

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 798 of 2017

1. Amilal S/o Late Ganesh Charan, Aged About 60 Years R/o Village Bargarh, Tahsil Kharsia, District Raigarh (Chhattisgarh).
2. Bharatlal S/o Late Ganesh Charan, Aged About 50 Years R/o Village Bargarh, Tahsil Kharsia, District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. The Collector, Raigarh, District Raigarh (Chhattisgarh).
3. The Sub Divisional Officer (Revenue) Cum- Land Acquisition Officer, Kharsia, District Raigarh (Chhattisgarh).
4. Union Of India, Through The Secretary, Road Transport & National Highway Department, Mantralaya, New Delhi.
5. National Highway Authority Of India, Through The Chief Engineer, Public Works Department, National Road Area, Raipur, District Raipur (Chhattisgarh).

---- Respondents

Shri Manoj Jaiswal, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State / respondents 1 to 3 on advance copy.
Shri Ramakant Pandey, counsel for respondent No.4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2017

The petitioners, in this petition, seeks a direction to the respondents to pay them compensation in respect of the land which was used while constructing national highway.

2. The allegation in the petition is that for the purposes of construction of national highway No.49 (Bilaspur – Urdaval Section), a part of the land owned by the petitioners was also used in construction of national highway in respect of which, no

acquisition proceedings were drawn. He submits that later on, when the petitioners apprehended that a part of their land was also used in construction of nation highway, on their request, Patwari carried out a demarcation on 18/01/2017 and as the demarcation is made in the presence of villagers, Sarpanch and the petitioners, 0.045 hectares of land of the petitioners have also been found to be used in construction of national highway, though this was not included in the acquisition notification nor any compensation has been paid.

3. If the land of the petitioners has been used for construction of national highway, ideally, it ought to be notified and the petitioners ought to be paid compensation. However, it appears that this claim of the petitioners has not been examined by any of the authorities. The petitioners shall approach respondents 3 and 5 simultaneously by submitting separate representations raising their claim of compensation on the basis of use of their land in construction of national highway. The representation shall be submitted by the petitioners before respondents 3 and 5 within a period of three weeks from today. Respondents 3 and 5 shall hold a joint meeting to consider the claim of the petitioners and take appropriate decision on the same within a period of 60 days w.e.f. 10/05/2017. The petitioners shall be duly informed in writing by respondent No.5 in the office of Chief Engineer, Public Works Department, National Highways, Division – Raipur regarding decision on the claim of the petitioners. If it is found that the land of the petitioners has been used and consumed in construction of national highway, the authority shall take expeditious steps for payment of compensation within a period of three months. If petitioners' grievance is not redressed, they would be at liberty to revive this petition.

4. With the said observation, this petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge