

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 654 of 2017

Bahadur S/o Hiralal, Aged About 55 Years R/o Village Kusmi, Tahsil Berla
District Bemetara (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Post & P S Raipur (Chhattisgarh).
2. Collector, Bemetara (Chhattisgarh).
3. Sub Divisional Officer (Revenue), Berla, District Bemetara (Chhattisgarh).
4. Executive Engineer, Public Works Department, Bemetara (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Varun Sharma, Advocate
For State	:	Shri Ramakant Mishra, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2017

1. With the consent of learned counsel appearing for the parties, the matter is heard finally.
2. Learned counsel for the petitioner submits that without proper acquisition of petitioner's land, as provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "*the Act*"), the petitioner is apprehending his dispossession. He submits that the road are being constructed and the manner in which the construction is taking place, the petitioner has reasonable apprehension that at any time, the respondent agency, involved in construction of road, may demolish the structure standing on the land of the petitioner.
3. Learned counsel for the State, referring to averments made in the reply, submits that the proceedings for acquisition of land have already been initiated and the

Public Works Department has also deposited the amount of compensation with the Land Acquisition Officer and soon, the proceeding will be over. Therefore, the petitioner would be getting proper compensation towards acquisition.

4. From perusal of the return of the respondents, it is quite clear that till date, the acquisition proceedings are not complete nor any award passed, much less payment of any compensation to the petitioner. Therefore, unless the land is acquired in accordance with law or taken or purchased from the petitioner, the petitioner could not be deprived of his property.
5. In view of the above, the petition has to be allowed and is accordingly allowed. Respondents shall not carry out any activity of construction of road over the land of the petitioner unless the land is acquired in accordance with the provisions of the Act or purchased from the petitioner or consent of the petitioner is taken for carrying out development work.

Sd/-
(Manindra Mohan Shrivastava)
Judge