

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1621 of 2013**

Smt.Kameshwari Dewangan W/o Ravi Kumar Dewangan Aged About 28  
Years R/o Ward No. 15, Near Maszid Tulasipur, Thana City Kotwali,  
Rajnandgaon, Distt Rajnandgaon, Cg **---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through Secretary, Government Of C.G., Town And Country Planning, DKS Bhawan, Raipur, Distt Raipur, CG
2. The Commissioner Municipal Corporation, Rajnandgaon, CG
3. Sub Divisional Magistrate, Rajnandgaon, Distt Rajnandgaon, CG
4. The Collector Rajnandgaon, Distt Rajnandgaon, CG
5. The Tahsildar, Distt Rajnandgaon, CG
6. The Executive Engineer PWD, Rajnandgaon, Dist Rajnandgaon, CG

**---- Respondents**

---

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For Petitioner       | : | Mr. Ashok Kumar Patil, Advocate |
| For State            | : | Mr. Manish Nigam, Panel Lawyer  |
| For Respondent No.2. | : | Mr. Sourabh Sharma, Advocate    |

---

**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**04/05/2017**

Heard.

1. Learned counsel for the parties jointly submit that this petition may be disposed off in terms of order dated 21.12.2016 passed in WPC No.708 of 2013 (Rajnandgaon Kapada Majdoor Sangh Vs. State of Chhattisgarh and others) as the petitioner's case is also similar.
2. The petitioner has preferred this writ petition seeking compensation from the respondents as they have demolished a part of the building for widening of National Highway No.6 (for short 'the NH-6').
3. The petitioner claims to have purchased land admeasuring 0.007 hects., Khasra No.345/3 situated in Tulasipur Ward No.15, Patwari Halka No.28, Village Motipur, Tahsil and District Rajnandgaon. According to the petitioner, in the month of April, 2013, a part of superstructure belonging to the petitioner on the aforesaid land

was demolished for widening of road, however, no compensation was paid nor proceedings for acquiring the land was ever initiated by the National Highways Authority of India (for short 'the NHAI'). It is argued that the petitioner is entitled to compensation in accordance with law.

4. Shri Nigam, Panel Lawyer and Shri Sourabh Sharma, learned counsel for respondent No.2 would submit that the road has already been constructed by the NHAI, which has not been arrayed as respondent, therefore, the writ petition is not maintainable. It is also submitted that the petitioner was an encroacher, therefore, he is not entitled for any compensation.

5. Considering the entire facts situation of the case and in view of the fact that this Court cannot proceed to make a fact finding enquiry, ends of justice would be served if the writ petition is disposed of with direction to the petitioner to move representation before respondent No.6, The Executive Engineer PWD, Rajnandgaon, shall examine the matter and if it reaches to the conclusion that the superstructure was standing on petitioner's land on which highway is made by NHAI, he shall forward the representation to the competent officer of the NHAI, who is in-charge of widening of NH-6 at the relevant point of time. Respondent No.6 or the NHAI, as the case may be, shall thereafter proceed to demarcate the area belonging to the petitioner to find out as to whether or not area belonging to the petitioner has been used in widening of the road. If any part of petitioner's land has been used and any part of the building has been damaged, proper proceedings for grant of compensation to the petitioner be initiated in accordance with law.

6. Let the demarcation be carried out by respondent No.6 or by NHAI within a period of three months from the date of submission of representation.

7. Accordingly, the writ petition is disposed of.

Sd/-  
(**Manindra Mohan Shrivastava**)

**J U D G E**