

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No.2085 of 2016**

- Fagulal Yadav S/o Nannhu Ram Yadav, Aged About 59 Years R/o Village Kokaditarai, Tah. & Distt. Raigarh, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through: Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Raigarh, Distt. Raigarh, (Chhattisgarh)
3. The Chief Executive Officer, Nagar Panchayat, Kirodimal Nagar, Distt. Raigarh, (Chhattisgarh)
4. Chief Municipal Officer, Municipal Office, Kirodimal Nagar, Distt. Raigarh, (Chhattisgarh)

**---- Respondents**

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|-------------------------|---|-------------------------------------------|
| For Petitioner          | : | Shri Vineet Kumar Pandey, Advocate        |
| For Respondent No.1 & 2 | : | Shri Sangharsh Pandey, Dy. Govt. Advocate |
| For Respondent No.3 & 4 | : | Shri Awadh Tripathi, Advocate             |

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

**Order On Board**

**24/03/2017**

Heard.

2. On 27-01-2017, time was granted for a period of six weeks to file reply and it was clearly ordered that if reply is not filed, it shall be presumed that averments made in the petition are correct.
3. Today, learned counsel for respondents again pray for time to file reply.
4. In view of earlier order dated 27-01-2017, no further time can be granted.
5. Grievance of the petitioner is that the petitioner has constructed boundary wall on his own land, but the respondents have demolished the said boundary wall

and constructed road and water drainage over the land of the petitioner without acquisition of land and payment of compensation. However, the petitioner has moved representation before the Collector raising his grievance, but it has not been decided till date.

6. The averments made in the petition have not been disputed by the respondents. It has been stated in the petition that the petitioner has constructed boundary wall on his own land, but the respondents have demolished the said boundary wall without giving notice to the petitioner and thereafter, road and drainage are being constructed without acquisition of land and payment of compensation.
7. Therefore, in these circumstances, it is directed that in case, the respondents intend to take land of the petitioner, then either proceedings of acquisition would be drawn or they may enter into an agreement with the petitioner for taking the land on any offered amount of compensation subject to consent of the petitioner. Till then, no construction shall be raised over the land of the petitioner. As boundary wall of the petitioner has already been demolished by the respondents without following due course of law, the petitioner shall be entitled to appropriate compensation from the respondents No.3 & 4. For the present, Rs.25,000/- shall be paid to the petitioner by the respondents No.3 & 4. The payment of aforesaid amount shall be subject to any amount of compensation as may be claimed by the petitioner before respondents No.3 & 4. In case, the petitioner submits an application along with assessment of compensation based on any report, the respondents No.3 & 4 shall examine the same and it shall be worked out and whatever compensation is found payable, shall be paid to the petitioner, after adjusting the amount of Rs.25,000/- as directed to be paid by this Court.
8. With the aforesaid direction, this petition is finally disposed off.

SD/-  
(**Manindra Mohan Shrivastava**)  
**Judge**