

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 314 of 2017**

- Smt. Lata Agrawal W/o Shri Prahalad Agrawal, Aged About 61 Years R/o Quarter No. 670 Janta Colony, Gudhiyari, Raipur, Tehsil And District Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Ministry Of Public Works Department, Civil Lines, Raipur (Chhattisgarh)
2. The Collector, Land Acquisition, Raipur (Chhattisgarh)
3. The Land Acquisition Officer Cum Sub Divisional Officer, Raipur (Chhattisgarh)
4. The Executive Engineer, Public Works Department, Division- 1, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Ankur Agarwal, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/2/2017**

1. Heard.
2. The petitioner has prayed for issuance of restrain order against the respondents from proceeding ahead to construct the road on her land without making acquisition as also to pay compensation in respect of land admeasuring 4360 sq. ft, Khasra No.864, P.H. No.107, Ward No.10 at Gudiyari, Raipur.

3. It appears the respondents are widening the existing road and in that process, some land belonging to the petitioner, if any, may be in the process of being used.
4. Referring to document -Annexure P/3, it is contended by learned counsel for the petitioner that the Civil Engineer, Municipal Corporation, in his survey report, has found that the petitioner's land is being used for widening of road, therefore, such construction should not take place before the acquisition is completed.
5. Learned counsel for the State would submit that if the petitioner's land is used for widening of road, he is definitely entitled for compensation, but for that, the demarcation of the area would be necessary.
6. Considering the entire facts situation of the case, the writ petition is disposed of with direction that the Collector, Land Acquisition, Raipur shall get the subject land demarcated through SDO(R), Raipur and if in the said demarcation, it is found that the petitioner's land is used for widening of the road, appropriate proceedings for acquiring the same be initiated at the earliest and the petitioner be paid admissible amount of compensation in accordance with law. However, there shall be no stay on widening of the road.
7. Let the proceedings of demarcation be completed within a period of 03 months from today.

Sd/-

Judge

(Prashant Kumar Mishra)

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