

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 351 of 2017**

- Mahaveer Enterprises A Partnership Firm, Telghani Naka, Station Road, Raipur, Through Its Partner Smt. Rekha Jain, Wife Of Shri Sanjay Jain, Aged About 45 Years, R/o Tatibandh, Raipur, Tahsil And District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh Through: The Secretary, Department Of Public Works, New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Executive Engineer, Department Of Public Works, Vidhan Sabha Sambhag, Raipur, District- Raipur, Chhattisgarh
3. The Collector, Raipur, Chhattisgarh
4. The Sub Divisional Officer, Department Of Public- Works, Sub Division, Vidhan Sabha, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri MK Bhaduri, Advocate
For Respondents-State	:	Shri Ramakant Mishra, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****15/02/2017**

1. The petitioner has prayed for issuance of restrain order against the respondents from proceeding ahead to construct the road on his land without making acquisition as also to pay compensation in respect of the subject land.
2. 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.

3. Referring to document -Annexure P/3, it is contended by learned counsel for the petitioner that the SDO(R), Raipur, has issued notice to the petitioner directing him to submit all the relevant documents with regard to land in dispute within three days, failing which the expenses for removing the encroachment shall be recovered from the petitioner.
4. 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.
5. Considering the entire facts situation of the case, the writ petition is disposed of with direction that the concerned Collector 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.

Sd/-

Judge

(Prashant Kumar Mishra)

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