

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 797 of 2017

Mathura Bai W/o Shukhdev Dansena, Aged About 50 Years R/o Village Bargarh,
Tahsil Kharsia, District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya New Raipur (Chhattisgarh).
2. The Collector, Raigarh, District Raigarh (Chhattisgarh).
3. The Sub Divisional Officer (Revenue) Cum- Land Acquisition Officer, Kharsia, District Raigarh (Chhattisgarh).
4. Union Of India, Through The Secretary, Road Transport & National Highway Department, Mantralaya, New Delhi.
5. National Highway Authority Of India, Through The Chief Engineer, Public Works Department, National Road Area, Raipur, District Raipur (Chhattisgarh).

---- Respondents

Shri Manoj Jaiswal, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State / respondents 1 to 3 on advance copy.
Shri Ramakant Pandey, counsel for respondent No.4 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2017

The petitioner, in this petition, seeks a direction to the respondents to pay her compensation in respect of the land which was used while constructing national highway.

2. The allegation in the petition is that for the purposes of construction of national highway No.49 (Bilaspur – Urdaval Section), a part of the land owned by the petitioner was also used in construction of national highway in respect of which, no acquisition proceedings were drawn. He submits that later on, when the petitioner apprehended that a part of her land was also used in construction of

nation highway, on her request, Patwari carried out a demarcation on 18/01/2017 and as the demarcation is made in the presence of villagers, Sarpanch and the petitioner, 0.045 hectares of land of the petitioner have also been found to be used in construction of national highway, though this was not included in the acquisition notification nor any compensation has been paid.

3. If the land of the petitioner has been used for construction of national highway, ideally, it ought to be notified and the petitioner ought to be paid compensation. However, it appears that this claim of the petitioner has not been examined by any of the authorities. The petitioner shall approach respondents 3 and 5 simultaneously by submitting separate representations raising her claim of compensation on the basis of use of her land in construction of national highway. The representation shall be submitted by the petitioner before respondents 3 and 5 within a period of three weeks from today. Respondents 3 and 5 shall hold a joint meeting to consider the claim of the petitioner and take appropriate decision on the same within a period of 60 days w.e.f. 10/05/2017. The petitioner shall be duly informed in writing by respondent No.5 in the office of Chief Engineer, Public Works Department, National Highways, Division – Raipur regarding decision on the claim of the petitioner. If it is found that the land of the petitioner has been used and consumed in construction of national highway, the authority shall take expeditious steps for payment of compensation within a period of three months. If petitioner's grievance is not redressed, she would be at liberty to revive this petition.

4. With the said observation, this petition is finally disposed off.

Sd-

(Manindra Mohan Shrivastava)
Judge