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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3347 of 2017**

Chandra Kishor Mishra @ Ishwari Prasad Mishra S/o Shri Jagannath Prasad Mishra, Aged About 72 Years R/o Village And Post Kunra, Tahsil Nawagarh, Police Station Nandghat, District Bemetara Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Police Station New Raipur, Tahsil Raipur, District Raipur Chhattisgarh.
2. The Secretary, Revenue Department, Mahanadi Bhawan, Police Station New Raipur, Tahsil Raipur, District Raipur Chhattisgarh.
3. The Collector, Bemetara, Police Station And District Bemetara Chhattisgarh.
4. Superintending Engineer, Water Resources Department, Division Bemetara, District Bemetara Chhattisgarh.
5. Sub - Divisional Officer - Cum - Land Acquisition Officer, Revenue, Nawagarh, District Bemetara Chhattisgarh.

---- **Respondents****And****WPC No. 3363 of 2017**

Satish Kumar Mishra S/o Shri Bhagwan Deen Mishra, Aged About 65 Years, R/o Village & Post- Kunra, Tahsil Nawagarh, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Water Resources Department, Mahanadi Bhawan, Police Station- New Raipur, Tahsil Raipur, District Raipur, Chhattisgarh.
2. The Secretary, Revenue Department, Mahanadi Bhawan, Police Station- New Raipur, Tahsil- Raipur, District Raipur, Chhattisgarh.
3. The Collector, Bemetara, Police Station & District Bemetara, Chhattisgarh.
4. Superintendent Engineer Water Resources Department, Division- Bemetara, District Bemetara, Chhattisgarh.

5. Sub- Divisional Officer Cum Land Acquisition Officer, Revenue Nawagarh, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Vaibhav A. Goverdhan, Advocate.
For Respondents/State	:	Mr. Dhiraj Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/12/17

1. Learned counsel appearing on behalf of petitioners would submit that the petitioners' case has been covered by the decision rendered by this Court in the matter of **Krishna Kumar Shukla v. State of Chhattisgarh & Ors.** (WPC No. 2858 of 2016) in which it is specifically stated in paragraph 4 as under :-

“Para 4- In the matter of **Pradeep Shukla and Others v. State of Chhattisgarh and others, decided on **11.09.2014**, this Court has held thus in para 9 :**

“9. The petitioners have prayed that respondents be directed to operate sloes in particular manner. This cannot be ordered by this Court. In what manner, an irrigation scheme is to be implement and operated is essentially a matter to be decided by the Department of Water Resources. This Court cannot direct that irrigation scheme should be operated in a particular manner. However, if by operation of the irrigation scheme, any holder of land is deprived of use of his land, he is certainly entitled to compensation in accordance with law. In view of the above, petitioners have made out a case for issuance of suitable direction to respondents. Hence following

order :

(A) Executive Engineer having sent a proposal on 26.04.2011 to the Superintendent Engineer with a clear report of submergence of land, the Superintendent Engineer or such higher authority who is competent to take decision in the matter should decide the matter relating to grant of compensation after physical verification regarding actual submergence of land belonging to the petitioners. This should be done within a period of 04 months from the date of receipt of copy of this order by respondent No. 2 / Superintendent Engineer.

(B) On a factual finding regarding submergence of petitioner's land wholly or in part under the diversion scheme, the respondent shall either proceed to assess the compensation as per the proceedings of the land Acquisition Act or provide land in exchange, to the petitioners. The decision in this regard shall have to be taken by respondents within a further period of two months."

2. Considering the fact that learned counsel for the State has not conceded to the petitioner's submission that his case is similar to the case of **Pradeep Shukla (supra)**, the writ petitions are disposed of with a direction that the petitioners may move representation before respondents No. 4 and 5- Superintending Engineer, District- Bemetra (C.G.) and Sub-Divisional Officer Cum Land Acquisition Officer, District- Bemetra within one month from today. The said Officers are directed to proceed and decide as to whether the petitioners' case are similar to the case of **Pradeep Shukla (supra)**. If the petitioners' case is similar, the petitioners would be entitled to similar relief as has been granted in the case of **Pradeep Shukla (supra)**.

3. The writ petitions stand accordingly disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

Priyanka