

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 267 of 2017**

Gyanesh Acharya S/o Shri Ram Acharya, Aged About 40 Years R/o
Shailendra Nagar, Police Station Shailendra Nagar, District Raipur
(Chhattisgarh) **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector (Land Acquisition), Raipur, District Raipur, Chhattisgarh
3. Sub Divisional Officer (Revenue), And Land Acquisition Officer, Raipur, District Raipur (Chhattisgarh)
4. Executive Engineer, Public Works Department, Division No. 03, Raipur, District Raipur (Chhattisgarh) **---- Respondents**

For Petitioner	:	Mr. Vinay Pandey, Advocate.
For State	:	Mr. Dheeraj Wankhede, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/05/2017**

Heard.

1. According to the petitioner, the petitioner's land which was earlier acquired is no longer in use of the State for the public purposes, for which it was acquired, therefore, the petitioner has moved an application for return of the land.

It is submitted that the scheme of return of acquired land in appropriate cases was not only available under the Land Acquisition Act, 1894 (for short 'the Act of 1894') but also under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013')

2. The respondents in their return have stated that the petitioner's application is pending and the petition can be disposed off with the direction to the respondent authorities to decide the same in accordance with the

provision of the Act of 2013.

3. In view of the above, instead of keeping the matter pending before this Court, it would be expedient in the interest of justice to dispose off the matter with a direction to respondent No.2/Collector to consider and take appropriate decision in accordance with law on petitioner's prayer for return of the land within an outer limit of safe four months from the date of receipt of copy of this order.

4. It is made clear that this Court has not commented on the merits of the claim and authority may decide on its own merits.

5. With the aforesaid direction, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge