

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 626 of 2017

1. Chandrika S/o Nawal Sai, Aged About 56 Years R/o Village Baldevnagar, Police Station & Tahsil Premnagar, District Surajpur (Chhattisgarh).
 2. Hublal S/o Nandkumar, Aged About 56 Years R/o Village Baldevnagar, Police Station & Tahsil Premnagar, District Surajpur (Chhattisgarh).
 3. Ahibaran Singh S/o Ujitram, Aged About 61 Years R/o Village Baldevnagar, Police Station & Tahsil Premnagar, District Surajpur (Chhattisgarh)
- Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
 2. The Collector (Land Acquisition), Surajpur, District Surajpur (Chhattisgarh).
 3. The Land Acquisition Officer Cum Sub Divisional Officer, Surajpur, District Surajpur (Chhattisgarh).
 4. The Executive Engineer, Bango Dam, Surajpur, District Surajpur (Chhattisgarh)
- Respondents**

For Petitioners	:	Mr. Rahul Mishra, Advocate.
For State	:	Mr. Prasoon Bhaduri, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/03/2017

Heard.

1. By this petition, the petitioners have prayed for a direction to the authority to initiate acquisition proceedings, acquire their land and pay compensation.
2. Learned counsel for the petitioners submits that the land owned by the petitioners have come under the submerged area of Bango Dam Irrigation Project constructed over Gej (गेज) river. The petitioners' land having come under the

submerged area is no longer available to them for cultivation and they are eventually deprived of any agricultural activity over their land. According to them, in such a situation, the respondent authorities are obliged to compensate the petitioners. In support of this contention, learned counsel for the petitioners relied upon the report of Patwari, submitted to the Tahsildar.

3. On the other hand, learned counsel for the State submits that no such direction can be claimed from the Court that the land should be acquired. He submits that whether the land of the petitioners is submerged in water because of the irrigation project or otherwise only because of overflow of river is a matter of inquiry.

4. Considering the aforesaid submissions made, without commenting upon the claim of the petitioners, it would be appropriate to direct respondent No.3 to carryout necessary inquiry to find out whether the petitioners' land has come under the submerged area of the irrigation project. This shall be done by respondent No.4 within a period of three months from the date of receipt of copy of this order. If there is a report indicating that the land of the petitioner is under submergence, appropriate steps shall be taken by forwarding the report to respondent No.3/the Land Acquisition Officer for drawing appropriate processing.

5. With the aforesaid observations, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E