NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 698 of 2017

1. Ravishanker Jaiswal S/o Shri Laxmi Narayan Jaiswal, Aged About 45 Years R/o Ward No. 3, Ambikapur Road, Pathalgaon, District Jashpur (Chhattisgarh).
2. Vijay Kumar Agrawal, S/o Shri Balraj Agrawal, Aged About 40 Years R/o Ward No. 3, Ambikapur Road, Pathalgaon, District Jashpur (Chhattisgarh).
3. Sonu Agrawal, S/o Late Shri Ramdayal Agrawal, Aged About 35 Years R/o Near Old Post Office, Ward No. 5, Ambikapur Road, Patthalgaon, District Jashpur (Chhattisgarh).

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Secretariat, Mahanadi Bhawan, P. S. And Post Rakhi New Raipur District Raipur (Chhattisgarh).
2. Executive Engineer, Public Works Department, National Highway No. 43, Jashpur, District Jashpur (Chhattisgarh).
3. Executive Engineer,. Public Works Department, Division Patthalgaon, District Jashpur (Chhattisgarh).
4. The Collector, Office Of The Collectorate, Jashpur, District Jashpur (Chhattisgarh).
5. Sub Divisional Officer (R), Patthalgaon, District Jashpur (Chhattisgarh).
6. Tahsildar, Patthalgaon, District Jashpur (Chhattisgarh).
7. Chief Executive Officer, Nagar Panchayat Patthalgaon, District Jashpur (Chhattisgarh).

---- Respondents

For Petitioners : Shri Y.C.Sharma, Advocate
For State : Shri R.K. Gupta, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/03/2017

Heard.

1. The petitioners have filed this petition aggrieved by the action of respondents by which they are constructing road by widening only on the side where the houses

of the petitioners are situated.

2. Learned counsel for the petitioners submits that earlier also when the road was widened, the widening was done only on one side of the road and not on the other side, on the ground that on the other side, electricity poles are installed. Again, when an occasion arose, the respondents have arbitrarily chosen to widen the road only on the side where the houses of the petitioners are situated, in respect of which, they have made representations ventilating their grievances to the Authority. But, the respondent -authority, without considering the representation, are proceeding to widen and construct the road.

3. In the petition, there is no allegation that the respondents have taken possession or intending to take possession of the land owned by the petitioners. Therefore, as long as the land of the petitioners are not taken, in what manner the road widening scheme is to be implemented, is entirely a matter of respondents and no writ can be issued by the Writ Court, to direct the respondents as to how the widening has to take place. The notices which have been issued to the petitioners show that they have been treated as encroachers of the Govt. land. In these circumstances, this Court is not inclined to interfere with the proceedings. In the event the petitioners' land are also required for widening of the road, it goes without saying that the respondents will have to acquire the land either through land acquisition proceeding or with the consent of the petitioners for inclusion of widening scheme.

4. The petition is accordingly disposed off with the observations as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen