

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1013 of 2017

- Arun Agrawal S/o Shri Narayan Das Agrawal Aged About 54 Years
R/o Bajpai House, Near Saighal Nursing Home, Civil Lines, Bilaspur
Post Office- Main Post Office Bilaspur Police Station Civil Lines,
District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Department Of Revenue, Mantralaya,
Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. National Highways Authority Of India, Through Its Project Director,
Shankar Nagar Raipur (Chhattisgarh)
3. Sub Divisional Officer (Revenue) And Land Acquisition Officer,
Bilaspur, District Bilaspur (Chhattisgarh)
4. Tahsildar, Bilha, Tahsil Bilha, District Bilaspur (Chhattisgarh)
5. M/s. Dilip Buildcon, Near Bilha Turn, Police Station Bilha, Tehsil Bilha,
Raipur Bilaspur Highway, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sunil Otwani, Advocate
For State	:	Shri Dhiraj Wankhede, Govt. Advocate
For Respondent No.3	:	Smt. Fouzia Mirza, Advocate
For Respondent No.5	:	Shri Akash Pandey, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2017

1. Heard.
2. The petitioner is aggrieved by action of the respondents and it is alleged in the petition that while constructing National Highway between Bilaspur to Raipur, the agency appointed by National Highway Authority/respondent No. 5 has demolished the boundary wall, which according to the petitioner, was standing on his own land comprised in Khasra No. 100 and 101.
3. Learned counsel for the respondents, however, submit that the

boundary wall raised by the petitioner was found to have encroached upon the land comprising Khasra No. 225 which has been acquired for construction of National Highway, therefore, the boundary wall has been demolished. Learned counsel for the respondent referred to a report prepared by the Revenue Officer on 27/04/2017 that spot inspection was carried out and it was found that the boundary wall was constructed on Khasra No. 225 which is a government land, therefore, it was removed.

4. Learned counsel for the petitioner submits that the said report is self serving document because the petitioner was never noticed and so called spot inspection was made in the absence of the petitioner without any proper demarcation.
5. It appears that there is a dispute on the spot as to whether the boundary wall was constructed by the petitioner on his own land comprising Khasra No. 100 and 101 or it had encroached upon the land situated in Khasra No. 225 which admittedly is government land. The spot demarcation has been disputed on the ground and it was not done in his presence. Therefore, in these circumstances to protect the interest of the petitioner, it would be proper to direct that the revenue authorities as deputed by Sub Divisional Officer (Revenue) of the concerned area shall make a spot inspection on a fixed date and time to be notified by Sub Divisional Officer (Revenue) to the petitioner and the representative of National Highway and the construction agency. On the basis of the said spot inspection report, if it is found that the land of the petitioner has been used for construction of road, appropriate proceeding for acquisition will have to be drawn. However, in case the report goes against the petitioner, the petitioner is not to be entitled to any compensation. If the petitioner is not satisfied with the spot inspection report he will have the liberty to raise his grievance before appropriate forum under the law.

Sd/-

(Manindra Mohan Shrivastava)
Judge