

HIGH COURT OF CHHATTISGARH AT BILASPURWRIT PETITION (C) NO. 869 OF 2012

Baijnath Agrawal, S/o Late Narsingh Das Agrawal, aged about 85 years, R/o Palace Road, Raigarh, District Raigarh (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through- the Secretary (Revenue), Department of Revenue, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Raigarh, District Raigarh (C.G.)
3. Sub-Divisional Officer (Revenue)-cum-Competent Authority, Raigarh, District Raigarh (C.G.)
4. M/s Jindal Power Limited, through its General Manager, having its office at Village Tamnar, Post Tamnar, District Raigarh (C.G.) **... Respondents**

For Petitioner : Mr. Ashish Surana, Advocate.

For Respondent-State : Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/06/2018

1. The issue involved in the present writ petition is in respect of the acquisition of the surface right/right to use of the property of the petitioner by the State Government of laying of the underground pipeline for carrying water to respondent No.4-industry.
2. It is an specific averment made by the learned counsel for the petitioner that in the course of the execution of the project, the land of the petitioner has not been used and that the proposed pipeline has been laid from a property besides the land of the petitioner and that the land of the petitioner is no longer required for use by the State Government for taking pipeline to respondent no.4-industry. According to the petitioner, since the land of the petitioner has not been used, the very purpose of the acquisition of the said property gets frustrated. The respondents are supposed to drop the entire acquisition proceeding initiated in this regard.
3. Learned counsel for the petitioner further submits that so far as the petitioner's possession over the property is concerned it is still in possession of the petitioner but he is unable to develop the said property by virtue of the said acquisition proceeding initiated by the State Government.

4. The respondents in the instant case have filed their reply and in the reply they have admitted the fact that the land of the petitioner has not been used for the purpose of laying of the pipeline and that it is nowhere required for the purpose for which the acquisition was initiated.

5. Given the facts and circumstances, the only issue which is now left is that the respondents who have initiated the acquisition proceedings so far as the land of the petitioner is concerned are suppose to drop the said proceeding.

6. In spite of the State Counsel making efforts to seek instructions from the competent authorities for an outer limit within which the proceeding can be finalized, the State Counsel could not get any instructions in this regard. Thus, this Court is left with no option but to dispose of the present writ petition with a specific direction to respondents no. 2 & 3 to ensure that the acquisition proceeding which was initiated so far as the petitioner is concerned since the land is no longer required as per their reply for the purpose for which the acquisition proceeding had been initiated the same should be dropped at the earliest by passing an order and finalizing the issue.

7. Let respondent no.3 take necessary steps and efforts within a period of four months from today within which the proceeding for dropping the acquisition proceeding so far as the petitioner's property is concerned is finalized. It shall be the responsibility of the petitioner to communicate the order of this Court to respondents no. 2 & 3 at the earliest.

8. The writ petition thus stands allowed and disposed of accordingly in the light of the observations made in the preceding paragraphs.

Sd/-
(P. Sam Koshy)
Judge