

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1836 of 2013**

1. Abdul Hakim Khan (Dead) Through LRs. Shakila Khan W/o Late Abdul Hakim Khan Aged About 65 Years
2. Abdul Shakil Khan S/o Late Shri Abdul Hakim Khan Aged About 33 Years
3. Arshiya Khan D/o Late Shri Abdul Hakim Khan Aged About 29 Years
4. Abdul Suhaib Khan S/o Late Shri Abdul Hakim Khan Aged About 26 Years

All R/o House No. 30/ 110, Near Libas Tailor, Tatyapara, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Public Works Department, Mahanadi Bhavan, New Raipur, Chhattisgarh.
2. Executive Engineer Public Works Department, Division No.1, Raipur Chhattisgarh
3. Collector Raipur, Distt Raipur Chhattisgarh
4. Land Acquisition Officer Raipur, Distt Raipur Chhattisgarh
5. Tahsildar Raipur, Distt Raipur Chhattisgarh

---- Respondent

For Petitioners	Mr. MK Sinha, Advocate
For Respondent /State	Mr. YS Thakur, Additional Advocate General

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****30/10/2018**

1. Heard.

2. The petitioners have prayed for grant of compensation for the land bearing Khasra No.518/3 area 0.85 decimal, on which, the State Government has constructed the road.
3. It is the stand of the respondents in their return that the entire land bearing Khasra No.518 area 1.315 hectare, which includes the petitioners' land bearing Khasra No.518/3 area 0.85 decimal, was acquired in the year 2006-2007 and the compensation amount of Rs.21,26,355/- was paid to different persons, who were owners of different parts of Khasra No.518. The petitioners' elder brother was paid compensation of Rs.12,62,400/- on 8.6.2007 with the consent of the petitioners, which has been filed by the respondents as Annexure R/4.
4. The petitioners have not filed rejoinder to controvert the statements made in the return.
5. It is now contended by the petitioners' counsel that in addition to the area earlier acquired, the respondents have again started widening of road over the remaining part of Khasra No.518/3, therefore, a fresh cause of action for payment of compensation has arisen.
6. The argument seems to be misconceived for the simple reason that after acquisition of the entire Khasra No.518 in the year 2006-2007, nothing left in the said Khasra Number for acquisition. If the petitioner continued to occupy some part of Khasra No.518, on which, the road was not constructed earlier, even after acquisition, and the same is put to use by widening of

road in the year 2013, the petitioners would not become entitled to compensation for the second time.

7. If the land has already been acquired in the year 2006-2007, there is no question of acquisition once again.
8. The writ petition *sans substance* is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna