

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.1371 of 2016

1. Bhagwan Singh Judev S/o Late Raghuvir Singh Judev, aged about 70 years
2. Gopal Singh Judev S/o Late Raghuvir Singh Judev, aged about 60 years
3. Sukhdev Singh Judev S/o Late Raghuvir Singh Judev, aged about 54 years
4. Rupesh Singh S/o Bhagwan Singh Judev, aged about 44 years,

Petitioner No.1 to 4 are R/o Vill Kharsia Thana & Tahsil Kharsia, Distt. Raigarh Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh through the Principal Secretary, Department of Transport, Mahanadi Bhawan, Thana New Raipur, Distt. Raipur (CG)
2. The Collector, Raigarh, Colectorate Raigarh, Thana Raigarh, Distt. Raigarh (CG)
3. The Sub Divisional Officer, Kharsia (Land Acquisition Officer), Thana Kharsia, Distt. Raigarh (CG)
4. South East Central Railway through the Deputy Chief (Construction-4), Head Office South East Central Railways, Railway Colony Bilaspur, Thana Railway Station Bilaspur, Tahsil and Distt. Bilaspur (CG)
5. Managing Director, IRCON International Limited, C-4, District Centre Saket, Thana Saket, New Dehli (New Delhi)

---- Respondents

For Petitioners	:	Mr.N.K.Malviya, Advocate
For Res.No.1 to 3	:	Mr.Shashank Thakur, Govt. Advocate
For Respondent No.4	:	Mr.Abhishek Sinha, Advocate
For Respondent No.5	:	Mr.Anumeh Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/1/2018

1. Learned counsel for the petitioners would submit that respondent No.2 be directed to decide the respective representations of the petitioners in respect of the grievances raised in the instant writ petition and further be directed to the respondents that until proper acquisition of the left out

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adjoining land of Rail Track of the petitioners as per Rehabilitation Policy, they will not damage the land any more so that the petitioners could earn his livelihood in future by cultivation upon the left out land.

- 2.** On the other hand, learned Counsel for the State and the Railways would submit that the land which was required for the rail project has been acquired through award Annexure P/3 and no more land is required and the respondents are not damaging or using the left over land and there is no legal right of the petitioners which has been infringed, as such, the writ petition is not maintainable.
- 3.** I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
- 4.** For laying down of Railway Corridor from Bhupdevpur to Gharghoda-Dharamjaigarh up to Korba, land has been acquired in land acquisition proceedings No.14/A-82/2014-2015 from village Mohanpali and award has already been passed on 4.9.2015 and compensation in accordance with law has already been paid and if not paid, that will be paid accordingly. It is a case of linear acquisition of land. It is the case of the respondents that at present no more adjoining land apart from what is mentioned in Annexure P/3 is required.
- 5.** In view of that, I do not find any merit in this writ petition. The

writ petition deserves to be and is hereby dismissed. However, the petitioners are at liberty to approach jurisdictional Civil Court for claiming damages, if any.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-