

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 314 of 2017

- Ashraf Khan S/o Shri Saeed Khan, Aged About 36 Years R/o Maudhapara, Raipur Civil And Revenue District Raipur Chhattisgarh., Chhattisgarh

---- Appellant (Petitioner)

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantrayala, Naya Raipur, District Raipur (CG)
2. The Collector, Raipur, District Raipur, Chhattisgarh
3. The Sub Divisional Officer Cum Land Acquisition Officer, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Chhattisgarh Housing Board, Through Its Executive Officer, Division 1, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Shri B.P.Sharma, Advocate assisted by Shri Chakresh Tiwari, Advocate
For Respondent No.1 to 3	:	Shri UNS Deo, Government Advocate
For Respondent No.4	:	Shri Sanjay Patel, Advocate

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

29/10/2018

1. Heard learned counsel for the appellant, State as well as Housing Board.
2. The writ applicant was filed by the appellant for the relief to revive earlier writ petition and to ensure that he was paid compensation in terms of the award for the land so acquired by the respondent State authorities on behalf of the respondent Housing Board.
3. When the matter was taken up by the learned Single Judge, the respondent Housing Board categorically brought to the notice of the

learned Single Judge two communications dated 19.12.2016 i.e. Annexure R4/1 & R4/2, that they have withdrawn their request for acquisition and that no further steps are required to be taken for the land acquisition proceedings.

4. Learned Single Judge disposed off the writ application taking above stand of the respondent Housing Board against which this writ appeal has been filed.
5. Since earlier writ application related to the issue of expediting the payment of award against the so-called acquisition and if instead of making payment of the award money the authorities, at whose instance the acquisition was required to be made, makes a communication that they are not interested in acquisition of the land in question, the payment of compensation against an aborted acquisition is not required to be made.
6. The appeal has no merit and the same is accordingly dismissed. The question whether there was a mandate upon the respondents especially the State to complete the land acquisition proceeding as a matter of right of the appellant is left open.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-