

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2151 of 2018**

1. Rup Narayan, son of Hari Singh Chandra, aged about 37 years,
2. Chhatt Ram, son of late Mahettar, aged about 40 years,
3. Kapil Nath, son of late Ram Lal, aged about 70 years,
4. Pati Ram, son of Gyan Das, aged about 63 years,
5. Antram, son of Goutariha, aged about 36 years,
6. Bhoj Kumar, son of late Prem Lal, aged about 35 years,
7. Samme Lal, son of Pyare Lal, aged about 65 years,
8. Shyam Kumar, son of late Gajadhar, aged about 50 years.
9. Uma Shankar, son of Kapil Nath, aged about 38 years,
10. Bhuwan Lal, son of Mangta, aged about 50 years,
11. Ram Nath Chandra, son of Balak Ram Chandra, aged about 45 years,
12. Shailendra Kumar, son of late Ram Kumar, aged about 21 years,
13. Radhe Lal, son of Hari Ram, aged about 35 years,
14. Jhangu Ram Nirala, son of Hari Ram Nirala, aged about 53 years,
15. Hari Singh Chandra, son of Bodhan Chandra, aged about 68 years,
16. Tula Ram, son of late Chhedu Ram, aged about 60 years,
17. Kushal Prasad, son of Bodhan, aged about 32 years,

All are resident of village Marghati, Tahsil Malkharouda, District Janjgir
Champa (CG)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Rural Development,
Government of India, New Delhi.
2. National Rural Road Development Agency, Ministry of Rural Development,
Government of India, through Director General, Office at 5th Floor, N.B.C.C.

Tower, Bhikhaji, Cama Palace, New Delhi.

3. State of Chhattisgarh, through the Principal Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (CG)
4. Chief Executive Officer, Chhattisgarh Rural Road Development Agency, Vikas Bhawan, Civil Lines, Raipur, District Raipur (CG)
5. Collector, District Janjgir Champa (CG)
6. Chief Executive Officer, District Panchayat, District Janjgir Champa (CG)
7. Executive Engineer cum Member Secretary, Project Implementation Unit No.2, Chhattisgarh Rural Road Development Agency, Sakti, District Janjgir Champa (CG)

---- Respondent

For Petitioners : Shri Yogesh Chandra, Advocate.
 For Respondent/State : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/10/2018 :

1. Admittedly, road has been constructed on the petitioners' land in the year 2005 without acquiring the same and paying any compensation to the petitioners. In the return filed by the respondents in similar matter viz. WPC 2093/2018, reliance is placed on a piece of paper treating the same to be a consent or gift by the petitioners of their land in favour of the Government for construction of road.
2. Consent on a plain paper without there being any instrument recognized in law will not have the effect of transfer of title in favour of the State Government. According to the petitioners, their lands have been used for construction of road the value of which is more than Rs.100/-. Therefore, transfer of the said piece of land in favour of the

Government cannot take place in law without the deed of consent or deed of gift being registered in accordance with the provisions of the Registration Act.

3. Since the fact of construction of road on the petitioners' land is not disputed, the Writ Petition is disposed of with a direction to the respondents to demarcate the area belonging to the petitioners which has been used for construction of road and thereafter to initiate proceeding for acquisition of the said area in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
4. Let demarcation be completed within a period of 3 months from today and thereafter the land acquisition proceeding be drawn and completed within a reasonable time.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve