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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2093 of 2018**

- Hari Singh Chandra S/o Bodhan Aged About 68 Years R/o Village Marghati, Tahsil Malkharouda, District- Janjgir-Champa, Chhattisgarh.

---- 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, Chhattisgarh.
4. Chief Executive Officer Chhattisgarh Rural Road Development Agency, Vikas Bhawan, Civil Line, Raipur, District- Raipur, Chhattisgarh.
5. Collector District- Janjgir-Champa, Chhattisgarh.
6. Chief Executive Officer District- Panchayat, Janjgir, District- Janjgir-Champa, Chhattisgarh.
7. Executive Engineer-Cum-Member Secretary Project Implementation Unit No 2, Chhattisgarh Rural Road Development Agency, Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Petitioner : Shri Yogesh Chandra, Advocate.
For Respondent No. 1 : Shri S.K. Dewangan, Advocate.
For Respondent/State : Shri Anand Dadriya, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board**

10/10/2018 :

1. Admittedly, road has been constructed on the petitioner's land in the year 2005 without acquiring the same and paying any compensation to the petitioner. In the return filed by the respondents, reliance is placed on a piece of paper treating the same to be a consent or gift by the petitioner of his 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 petitioner, his land bearing Khasra Nos.897 and 934 ad measuring 0.78 and 0.34 acres has 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 petitioner's land is not disputed, the Writ Petition is disposed of with a direction to the respondents to demarcate the area belonging to the petitioner 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)