

NAFR

HIGH COURT OF CHHATTISGARH, ILASPUR

WPC No. 2362 of 2018

- Gajendra Yadav S/o Late Babulal Yadav Aged About 36 Years R/o Jaampali Post Office- Pussore Tehsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

- Nagar Panchayat Kirodimal Nagar Through Chief Municipal Officer, Nagar Panchayat Office, Kirodimal Nagar District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Petitioner

Mr. Amit Sharma, Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

27/8/2018

1. Heard.
2. By the order dated 24.3.2017 passed in WPS No.2085 of 2016, preferred by the petitioner's uncle Fagulal Yadav, a direction has been issued to the respondents to calculate appropriate compensation, which has in fact been assessed in favour of his late father Babulal Yadav also.

3. In the aforesaid writ petition, the following order was passed by this Court vide para 7 :

7. Therefore, in these circumstances, it is directed that in case, the respondents intend to take land of the petitioner, then either proceedings of acquisition would be drawn or they may enter into an agreement with the petitioner for taking the land on any offered amount of compensation subject to consent of the petitioner. Till then, no construction shall be raised over the land of the petitioner. As boundary wall of the petitioner has already been demolished by the respondents without following due course of law, the petitioner shall be entitled to appropriate compensation from the respondents No.3 & 4. For the present, Rs.25,000/- shall be paid to the petitioner by the respondents No.3&4. The payment of aforesaid amount shall be subject to any amount of compensation as may be claimed by the petitioner before respondent No.3 & 4. In case, the petitioner submits an application along with assessment of compensation based on any report, the respondents No.3 & 4 shall examine the same and it shall be worked out and whatever compensation is found payable, shall be paid to the petitioner, after adjusting the amount of Rs.25,000/- as directed to be paid by this Court.

4. On the basis of the above order, the competent authority has calculated the amount of compensation payable to the holders of the land, which, according to the petitioner, includes his late father Babulal Yadav. However, the share to which Babulal Yadav was entitled is not being released in the petitioner's favour, which has compelled him to move representation on

8.5.2018 at page 17 of the paper book.

5. In view of the above, let the petitioner move fresh representation/claim before the Nagar Panchayat, Kirodimal Nagar within a period of one month from today and thereafter, the said authority shall consider and decide his representation in accordance with law within a further period of three months.
6. The writ petition is accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna