

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2354 of 2018**

- Laxmi Prasad Chouhan S/o Late Fattulal Chouhan Aged About 52 Years R/o Village Chodha, Tehsil Kharsia, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Revenue And Disaster Management Department , Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. The Collector , District Raigarh Chhattisgarh.
3. Sub Divisional Officer (Revenue) And Land Acquisition Officer , Kharsia , District Raigarh Chhattisgarh.
4. Chief Engineer, National Highway, Public Works Department Raipur Chhattisgarh

---- Respondent

For Petitioner

Mr. Lalit Jangde, Advocate

For Respondent /State

Mr. AS Kachhwaha, Addl. Advocate General

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****27/8/2018**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner's land has been used for construction of National Highway No.200 (Bilaspur-Urdawal) from 238.500 Km to 310.900 Km. However, no compensation has been paid to the petitioner.

3. Admittedly, the petitioner holds the subject land as Kotwar of the village. In the *Jamabandi* for the year 1924-25, the name of the petitioner's forefather is entered as holder of the land with caption "*Sarkari Chowkidar*", which means that the petitioner's forefather was holding the land as service land. In the Record of Right in Form B-1 of the year 2013-14 also, the petitioner's name is mentioned as holder of the land with a note "non-transferable" meaning thereby that the petitioner is not the owner of the land.
4. In view of the above, learned Additional Advocate General is right in his submission that the petitioner not being the owner of the land, is not entitled for any compensation.
5. However, if the petitioner moves the authorities for grant of service land of the equal area, which has been used for construction of road, out of the total service land held by him, the competent authority may consider his case in accordance with law.
6. The writ petition is dismissed subject to the above observations.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna