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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2379 of 2018**

1. Ajay Kumar S/o Anujram Sao, Aged About 51 Years R/o Ward No. 9 Gandhi Ward, Mungeli, Tahsil And District Mungeli Chhattisgarh.
2. Smt. Arti Gauraha W/o Shri Sanjeev Gauraha, Aged About 43 Years R/o Ward No. 3 Subhash Ward, Mungeli, Tahsil And District Mungeli Chhattisgarh.
3. Anil Kumar Tamboli, S/o Kishor Kumar Tamboli, Aged About 40 Years R/o Sardar Patel Ward, Mungeli, Tahsil And District Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Urban Administration And Development, Indravati Bhavan, Block D, Fourth Floor, Naya Raipur, District Raipur Chhattisgarh.
2. Joint Director, Regional Office, Urban Administration And Development Department, Raipur, District Raipur Chhattisgarh.
3. Collector Mungeli, Tahsil And District Mungeli Chhattisgarh.
4. Sub Divisional Officer (R), Mungeli, Tahsil And District Mungeli Chhattisgarh
5. Municipal Council, Mungeli Through Chief Municipal Officer, Mungeli Chhattisgarh.

---- Respondent

For Petitioners : Shri Kripesh G. Kela, Advocate.
For Respondent/State : Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****24/10/2018 :**

1. The petitioners have prayed for a direction to the respondents to comply with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the petitioners' land to determine compensation, solatium and interest payable to the petitioners, as the respondents, particularly respondent No.5 has constructed CC road over their land.
2. Learned State Counsel would submit that if the petitioners' land has been used for construction of road by respondent No.5, there is no reason why adequate compensation as permissible in law should not be allowed to them.
3. Considering the entire fact situation of the case, the Writ Petition is disposed of with a direction that the Sub Divisional Officer (Revenue) Mungeli, respondent No.4 and the Municipal Council, Mungeli shall conduct a joint demarcation to ascertain the area owned by the petitioners, which has been used for construction of CC road and thereafter the Municipal Council, Mungeli shall initiate process for acquisition of the land or to pay compensation to the petitioners, if they agree to receive the same without acquisition proceedings. If the petitioners do not agree to the amount of compensation offered to them by the Municipal Council and a proposal is moved by the Municipal Council for acquisition, the said acquisition proceeding shall be completed within a period of 6 months from today.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve