

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2671 of 2018**

- Vishnu Kanti S/o Sheetal Prasad, Aged 40 Years R/o Village Rameshpur, Post Raghunath Nagar, Tahsil Wardaf Nagar, District Balrampur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector Balrampur Chhattisgarh,
2. The Sub Divisional Officer (R), Wardaf Nagar, District Balrampur Chhattisgarh
3. The Tehsildar, Wardaf Nagar, District Balrampur Chhattisgarh,
4. Essar Power Transmission Company Limited, Through Its Director, Village Bandhaura, Post Karsualal, Tehsil Mada, District Singrauli (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Sharad Mishra, Advocate
For Respondent /State	Mr. PK Bhaduri, Government Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****26/9/2018**

1. The petitioner owned the land bearing Khasra No.364, area 3.080 hectares situated at village Rameshpur, P.H. No.3, RIC Raghunath Nagar, Tehsil Wardaf Nagar, District Balrampur (CG), which has been acquired by respondent No.4 in the year 2014 for purpose of construction and erection of power transmission unit/line.
2. It is submitted by learned counsel for the petitioner that the

petitioner has not been paid compensation for the area occupied and the damage caused to his land.

3. In similar matter viz. Writ Appeal No.169/2013 (Santosh Kumar Rathore and Others Vs. State of Chhattisgarh & Others) and other connected matters, decided on 12th April, 2013, the Division Bench of this Court has held that under proviso to Rule 3 (1) of the Works of Licensees Rules, 2006 (for short 'the Rules'), it is provided that on objection raised by the owner or occupier of any building or land, the District Magistrate or Commissioner of Police or any other officer authorized may stay any work or ask the work to be removed or altered and he could also fix compensation under sub-rule (2) of rule (3) of the Rules. The Division Bench thereafter directed the land holders to raise objection demanding compensation before the authority entitled to consider it. The appellants therein were directed to file representation before the District Magistrate of the concerned district and in case such representations are filed, the District Magistrate shall decide it by a speaking order, if possible within 3 months from the date of receipt of representation.
4. In view of the order passed by the Division Bench, the present writ petition is also disposed of with a direction to the petitioner to prefer a representation before the District Magistrate seeking compensation for the loss suffered by him on account of installation of power transmission unit/line over his land, within a period of one month from today and thereafter the District Magistrate is directed to decide the representation, in accordance with law, within next 3 months.

Sd/-

(Prashant Kumar Mishra)

Judge

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