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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2771 of 2018

- Premraj Sharma S/o late Bhavar Lal Sharma Aged About 73 Years R/o Ward No. 11, Killapara, Khairagarh, District-Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Naya Raipur, District- Raipur, Chhattisgarh.

2. Secretary State Of Chhattisgarh, Urban Administration Department, Mahanadi Bhavan, Naya Raipur, District- Raipur, Chhattisgarh.

3. Collector Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

4. Chief Municipal Officer Nagar Palika Parishad, Khairagarh, District- Rajnandgao, Chhattisgarh.

5. Sub Divisional Officer (Revenue) Khairagarh, District-Rajnandgaon, Chhattisgarh.

6. Tahsildar Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

WPC No. 2778 of 2018

- Jeevesh Sharma S/o Shri Prem Raj Sharma Aged About 46 Years R/o Ward No. 11, Killapara. Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

2. Secretary State Of Chhattisgarh, Urban Administration

Department, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

3. Collector Rajnandgaon, District Rajnandgaon, Chhattisgarh.

4. Chief Municipal Officer, Nagar Palika Parishad, Khairagarh, District Rajnandgaon, Chhattisgarh.

5. Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon, Chhattisgarh.

6. Tahsildar Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

WPC No. 2781 of 2018

- Surendra Sharma S/o Shri Prem Raj Sharma, Aged About 44 Years R/o. Ward No. 11, Killapara, Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh

2. Secretary, State Of Chhattisgarh, Urban Administration Department, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh.

3. Collector, Rajnandgaon, District Rajnandgaon Chhattisgarh.

4. Chief Municipal Officer, Nagar Palika Parishad, Khairagarh, District Rajnandgaon Chhattisgarh

5. Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon Chhattisgarh.

6. Tahsildar, Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

WPC No. 2782 of 2018

- Neelendra Sharma S/o Shri Prem Raj Sharma Aged About 50 Years R/o Ward No. 11, Killapara. Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh

2. Secretary State Of Chhattisgarh, Urban Administration Department, Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh.

3. Collector Rajnandgaon, District Rajnandgaon, Chhattisgarh,

4. Chief Municipal Officer Nagar Palika Parishad, Khairagarh, District Rajnandgaon, Chhattisgarh

5. Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon, Chhattisgarh.

6. Tahsildar Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Petitioners	Mr. Vivek Singhal, Advocate
For Respondeny/State	Mr. Shashank Thakur, Govt. Advocate

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

8/10/2018

1. Heard.

2. Learned counsel for the petitioners would submit that the petitioners' land was acquired by the Municipal Council, Khairagarh for widening of road and a part of the construction

belonging to the petitioners on the subject land was demolished way back in the year 2014, however, the compensation has not been paid to the petitioners. He would further submit that in a similarly situated case i.e. WPC No.770 of 2018, decided on 12.9.2018 (**Raju Agrawal Vs. State of Chhattisgarh and others**), a statement was made before this Court that the amount of compensation has already been paid to said Raju Agrawal. Therefore, the petitioners are also entitled to similar treatment in respect of payment of compensation for acquisition of their land for widening of road by the Municipal Council, Khairagarh.

3. Learned counsel for the State would submit that if the petitioners' case is similar to the case of **Raju Agrawal (supra)**, then, the competent authority shall decide the matter, in the event, the petitioners move representation in accordance with law.

4. In the matter of **Raju Agrawal (supra)**, this Court has passed the following order :

"1. The writ petition has been preferred seeking adequate compensation for the use of petitioner's land for widening of road by the Municipal Council, Khairagarh.

2. On 29-8-2018 this Court directed for personal attendance of the Collector, Rajnandgaon, Chief Municipal Officer, Municipal Council, Khairagarh and the concerned Secretary, PWD.

3. Shir P.S. Som, Chief Municipal Officer, Municipal Council, Khairagarh, District Rajnandgaon, is present. Applications (IA No.3 and IA No.2) for exemption from personal appearance have been made on behalf of the Collector, Rajnandgaon, and the Secretary, PWD, respectively submitting that the petitioner has been paid compensation amount to the tune of Rs.29,60,486/-.

4. Learned counsel for the petitioner would not dispute the aforesaid statement that the compensation amount has already been paid to the petitioner by way of cheque (Annexure -A/3).

5. In view of the above, prayer made in the applications (IA No.3 and IA No.2) for exemption from personal appearance of the Collector, Rajnandgaon, and the Secretary, PWD, respectively are allowed.

6. Since the grievance of the petitioner has been redressed, nothing survives in this petition for adjudication, therefore, the writ petition stands disposed of."

5. In the present case, let the petitioners move representation before the Collector, Rajnandgaon with a copy to the Chief Municipal Officer, Municipal Council, Khairagarh for payment of compensation on account of acquisition of their land for widening of road. On such representation being made, the Collector, Rajnandgaon shall decide the representation in consultation with the CMO, Municipal Council, Khairagarh within

a period of 8 weeks from the date of submission of representation. If the petitioners' case is found to be similar to the case of **Raju Agrawal (supra)**, the petitioners shall also be entitled to compensation in accordance with law.

6. The writ petitions are accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

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