

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 708 of 2017

- Rajnandgaon Kapada Majdoor Sangh, Registered office at Railway Chowki, Tulsipur, Rajnandgaon Through President Prem Narayan Verma, S/o Late Gannu Ram Verma, Aged About 64 Years, R/o Ward No.14, Mill Chawal Colony, Jail Road, Rajnandgaon, Tahsil and District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Samay Lal, Executive Engineer, Public Works Department, G. E. Road, Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner
For Respondent

Shri Ashok Patil, Advocate
Shri Sunil Otvani, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

20/04/2018

1. Vide order dated 21.12.2016, this Court had passed the following order:-

“4. Considering the entire facts situation of the case and in view of the fact that this Court cannot proceed to make a fact finding enquiry, ends of justice would be served if the writ petition is disposed of with direction to the petitioner to move representation before respondent No.6, The Executive Engineer PWD, Rajnandgaon, who shall examine the matter and if it reaches to the conclusion that the superstructure was made by NHAI, he shall forward the representation to the competent officer of the NHAI, who was in-charge of widening of NH-6 at the relevant point of time. Respondent No.6 or the NHAI, as the case may be, shall thereafter proceed to demarcate the area belonging to the petitioner to find out as to whether or not area belonging to the petitioner has been used in widening of the road. If any part of petitioner's land has been used and any part of the building has been

damaged, proper proceedings for grant of compensation to the petitioner be initiated in accordance with law.”

2. Shri Otwani, learned counsel for the contemnor, would submit that demarcation was carried out and the petitioner has already been paid compensation for the building, which was demolished for construction/widening of national highway. The petitioner has sworn affidavit before the Authorities of the Public Works Department that he is satisfied with the quantum of compensation and now he is taking summons.
3. The petitioner has already received the amount of compensation, therefore, if he is aggrieved with the quantum of compensation, the appropriate course open for the petitioner to seek enhancement of the compensation is to prefer a suit seeking damages.
4. The contempt petition stands disposed of with the above observation.

Sd/-

Judge
Prashant Kumar Mishra