

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3245 of 2018

- Ram Singh Patel S/o Sirbaj Patel Aged About 70 Years R/o Jairam Nagar, Khaira, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Union Of India Through The Secretary, Ministry Of Transport, And Highways (Department Of Road Transport And Highways), Transport Bhawan, 1, Parliament Street, New Delhi - 110001 (India)., District : New Delhi, Delhi
2. Chief Engineer Public Works Department, National Highways Region, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Sub Divisional Officer Cum Land Acquisition Officer And Competent Authority Under The National Highways Act, 1956, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Sub Divisional Officer (Revenue) Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Vijay Kumar Sahu S/o Mahetaru Sahu Aged About 44 Years R/o Jairam Nagar, Khaira, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Brijnandan Sahu S/o Mahetaru Sahu Aged About 32 Years R/o Jairam Nagar, Khaira, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	Shri Yogesh Chandra, Advocate
For Respondent-UOI	Ms. Jyoti Singh, Advocate on behalf of Shri B. Gopa Kumar, ASG
For Respondent-State	Shri Y. S. Thakur, Addl. AG

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

28/11/2018

1. Petitioner owns certain land which was sold to respondent Nos.5 & 6. The subject land was acquired for construction of national highways. While calculating the compensation payable to respondent Nos.5 & 6, the purchasers of the land, the compensation for trees standing on the land was also assessed and paid to the said respondents.
2. Petitioner would claim that at the time of selling the land to respondent Nos.5 & 6, he had not sold the trees standing thereon, therefore, compensation for the trees standing on the land should have been paid to the petitioner. Thus, the petitioner is seeking a direction to the respondent Nos.5 & 6 to make payment of the compensation amount for the trees which they have received, even though they were not entitled for it.
3. Since respondent Nos.5 & 6 have already received the compensation and it is a disputed question of fact as to whether the petitioner had sold the trees to the respondent Nos.5 & 6 or not, let the petitioner approach the jurisdictional Civil Court for payment of the amount of compensation for trees received by the respondent Nos.5 & 6.
4. The writ petition is not maintainable. It is accordingly dismissed with the liberty aforesaid to the petitioner.

Sd/-
Prashant Kumar Mishra
Judge

Nirala