

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2699 of 2016

Jhumuk Lal S/o Murli Verma Aged About 65 Years R/o Village
Anandgaon, Tahsil Berla, District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Additional Commissioner, Raipur Division Camp Court, Durg, District Durg Chhattisgarh.
3. Collector, Bemetara District Bemetara Chhattisgarh.
4. Sub Divisional Officer, Bemetara District Bemetara Chhattisgarh.
5. Tahsildar, Berla, District Bemetara Chhattisgarh.

--- Respondents

For petitioner – Shri Sumit Singh Rathore and Smt. Reshmi Sen,
Advocates.

For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/09/2019

Heard.

1. The case of the petitioner is that an award was passed for land acquisition wherein the land at village Anandgaon, Bemetara the land of the petitioner was acquired for the purpose of construction of canal and the compensation of Rs.6,39,716/- was fixed since the land was irrigated one. The petitioner instead of availing the amount of compensation has demanded to get a government barren land/grass land i.e. khasra No.369/1 admeasuring 5.05 acres and the market value of it was of Rs.5,21,681/-. The said demand was made for exchange of the land. It is further contended that by exchange of the land the State would not be at loss being in agreement with the suggestion made by the Tehsildar to the proposal of the petitioner the same was forwarded to the Collector, Bemetara. The Additional Commissioner by order dated 17/06/2014 the

said proposal was considered in Revenue Case No.165-A/74 and by an order dated 17/06/2014 recommendation was made by the Additional Commissioner, Raipur to grant the petitioner a land bearing khasra No.369/1 admeasuring 5.05 acres according to the revenue book circular part 4.

2. The reply of the State would show that the State has already taken up the issue which is pending consideration. It is contended that the petitioner as on today is aged about 86 years. Therefore, the fact that on 17/06/2014 though the exchange was ordered and directed and land was directed to be given, still today he is not been given. The reply of the State also admits the existence of the order dated 17/06/2014 which purportedly recommend the land to be given in exchange to the petitioner. The respondent has also filed the copy of the order sheet of the SDO which shows that the proceeding has been forwarded by the SDO to the Tehsildar, Berla, District Bemetara which is pending meaning thereby till today no land has been given pursuant to the order dated 17/06/2014. In view of these facts, it appears that virtually no dispute exist as to grant of land to the petitioner. Taking into the age of the petitioner as it is stated that he is 86 years of age, respondent No.5, Tahsildar, Berla, District Bemetara is directed to finalize the grant of land to the petitioner as per the revenue book circular as per the order of the Additional Commissioner dated 17/06/2014 within a further period of 45 days from the date of receipt of this order.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE