

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 427 of 2019**

- Kirit Ram @ Kirit Ram Sahu S/o Shri Harihar Ram Sahu Aged About 50 Years Occupation- Agriculture, R/o Village Banipathar, Tahsil- Kharsia Patwari Halka No. 09, Kharsia, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue New Mantralaya, New Raipur, Chhattisgarh
2. Collector District- Raigarh, Chhattisgarh
3. The Sub Divisional Officer (Rev.) Tahsil- Kharsia, District- Raigarh, Chhattisgarh
4. General Manager South East Central Railway, SECR Zone- Bilaspur
5. Nilambar Rautiya S/o Shri Punauram Rautiya Aged About 47 Years
6. Likhit Ram Rautiya S/o Shri Punauram Rautiya Aged About 46 Years
7. Sakhi Gopal Rautiya S/o Shri Punauram Rautiya Aged About 38 Years
8. Puniram Rautiya S/o Shri Patiram Rautiya Aged About 47 Years
9. Suniram Rautiya S/o Shri Patiram Rautiya Aged About 62 Years

Respondents 5 to 9 are Agriculturist, R/o Banipathar, Post- Chorha, Tahsil- Kharsia, District- Raigarh, Chhattisgarh

---- Respondent

For Petitioners
For Respondent/Railways
For Respondent /State

Mr. Vivek Bhakta, Advocate
Mr. Abhishek Sinha, Advocate
Mr. Sudeep Verma, Dy. GA

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

18/2/2019

1. Heard.
2. Land bearing Khasra Nos.214/1, 214/2, 214/3, 215 admeasuring area about 0.122 hectare situated at Village Banipathar, Tahsil Kharsia District Raigarh (CG) has been acquired by respondent No.3 Sub Divisional Officer (Revenue), Tahsil Kharsia District Raigarh for the benefit of the Railways for construction of Railway Corridor at Kharsia. For the said acquisition, the compensation has been paid to respondents 5 to 9 even though the petitioner claims to be the owner of the said land.
3. In the petitioner's earlier writ petition, a direction was issued to the Collector for deciding the representation, which has now been impliedly rejected vide Annexure P/1 observing that as and when an Arbitrator is appointed by the Railways, the matter shall be referred to the Arbitrator.
4. It appears, there is a dispute regarding title to the subject land, which can be gone into by the jurisdictional Civil Court or the Arbitrator, as the case may be, and not by this Court.
5. If the petitioner moves a duly constituted Civil Suit before the jurisdictional Civil Court claiming title to the land as well as compensation, which has been paid to the private respondents or the matter is referred to the Arbitrator, as the case may be, and in the event, the petitioner's title is established, a direction may be issued for payment of the amount of compensation,

wrongly obtained by the private respondents, to the petitioner.

6. Let the petitioner move in accordance with law, as above, which shall be decided by the jurisdictional Civil Court or by the Arbitrator, as the case may be, expeditiously.
7. The writ petition is disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

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