

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 564 of 2017

- Fagulal Yadav S/o Nannhu Ram, Aged About 59 Years R/o Kokaditarai, Tahsil And District Revenue And Civil Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Shami Abidi Collector Raigarh, District Raigarh, Chhattisgarh
2. Gopal Dubey, Chief Municipal Officer, Municipal Office Kirodimal Nagar Raigarh, District Raigarh, Chhattisgarh
3. Mohan Vishakarma The Than In Charge C M O Presently As Revenue Sub - Inspector, Nagar Panchayat Kirodimal Nager , Raigarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Mr. V. K. Pandey, Advocate.
For Respective Respondents	:	Mr. Surfaraj Khan, Advocate and Mr. Ashutosh Mishra, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/09/2019

Heard.

1. There is an application seeking intervention by applicant's nephew- Gajendra Yadav as also petitioner's sister- Amrit Kumari.
2. Petitioner filed a petition challenging the action of the respondent authorities in unauthorizedly entering upon petitioner's land and constructing road. This Court disposed off the petition vide order dated 24.03.2017 taking into consideration that despite repeated opportunities, no reply was filed, therefore, factual arguments were treated as reply and a direction was issued in para-7 of the aforesaid order.
3. Learned counsel for respondent No.3 would submit that the compensation in respect of the land has also been worked out and the amount has been deposited before the Land Acquisition Officer. During the course of argument, it transpires that when the petitioner had filed the petition, it was not brought to the notice of the Court that there are competing claim of the share in the

property which has been taken by the Municipal Authority for the purpose of construction of road. The interveners are those who claim to be sharers in the property and also therefore claim to be entitled to appropriate share in the compensation amount.

4. Having considered that the compensation amount has already been deposited before the Land Acquisition Officer, the Land Acquisition Officer would be required to decide claim of all claimants including petitioner, his brother, sister and any other person who claim apportionment in the compensation amount, consistent with the statutory scheme of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Since the land has already been taken and compensation amount has already been deposited, only decision would be with regard to apportionment, if any, upon examination of competing claim. It should be done by the concerned authority within a period of three months and whatever amount is found payable to the petitioner, shall be released to him.
5. The contempt petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi