

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1512 of 2019**

Sanjay Shrivastav, S/o. Shri Ram Babu Shrivastav, Aged About 48 Years,
R/o. 27, Aasara Parisar, Choubey Colony, Tehsil - Raipur, Civil And Revenue
District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India, Through Secretary, Road Transport And National Highway Department, Mantralaya, New Delhi
2. State Of Chhattisgarh, Through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, Civil And Revenue District Raipur, Chhattisgarh.
3. Collector Raipur, District Raipur, Chhattisgarh.
4. Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Competent Authority, National Highway Raipur, District Raipur Chhattisgarh.
5. National Highway Authority Of India, Through - Project Director, House No. 5196, Behind BTI College, Shanker Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai & Ms. Reena Singh, Advocates
For Respondents No.1 & 5	:	Mr. B.Gopa Kumar, A.S.G.
For Respondents No.2, 3 & 4	:	Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03.07.2019**

1. The grievance raised in this writ petition is about non-payment of compensation to the petitioner in lieu of the acquisition of his land.
2. Leaned counsel for the petitioner would submit that by notification dated 04th July 2018 issued under the National Highway Act 1956, the lands of the petitioner was taken into sweep for construction of National Highway No.200/30. It is contended that thereafter the acquisition proceedings did not commence, instead, forcible possession was taken over and the road was constructed. It is stated that the authorities are deliberately avoiding

the issuance of notification u/s 3D of the National Highway Act, 1956 and even before that vesting of land into the respondent Union of India and National Highway Authority, road has been constructed, therefore he submits that the petitioner may be adequately compensated for the acquisition made.

3. A perusal of documents would show that final notification u/s 3-A of the Act was made on 4th July 2018. The petitioner alleged that his lands were taken over and the construction of road has been made over his lands without initiation of acquisition proceedings or compensation thereof. It is not disputed that initially the notification was published on 04th July 2018. The objections having not been made, the authority should have issued the notification u/s 3D within one year but that procedure as appears has been sidelined. It has been stated that without acquisition, the road was constructed thereby the petitioner has been dispossessed.
4. It is settled proposition that the person cannot be deprived of his property otherwise than in due course of law. The course of law has been provided under the National Highway Act, 1956 for acquisition of land. Since it is alleged that construction of road has already been made, the respondents are directed to demarcate the affected land of the petitioner and thereafter commence and conclude the proceedings of compensation within a period of 9 months from the date of presentation of copy of this order. If it is found that the land of the petitioner has been acquired without there being any compensation and the compensation is awarded, the same may be disbursed to the petitioner.
5. With such observation/direction, the writ petition stands finally disposed of.

Sd/-
Goutam Bhaduri
Judge