

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1551 of 2019

Madhav Das Vaishnav S/o Late Balbhadra Das Aged About 50 Years Caste - Bairagi, R/o Village - Birgaon, Mathpara, Raipur Tahsil And District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. The Chief Municipal Officer, Municipal Council, Champa District Janjgir Champa Chhattisgarh.
3. The Tahsildar, Champa District Janjgir - Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Goutam Khetrapal, Advocate
For Respondent/ State	:	Shri Sudeep Verma, Dy. G. A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.05.2019

Heard

1. Learned counsel for the petitioner would submit that the construction of CC road was made over the land belonging to the petitioner. It is stated that the petitioner had made a representation to demarcate the said land, however, despite the representation made, the authorities are silent so as to divert the fact whether the land of the petitioner has been taken over for the road or not. Therefore the Tahsildar may be directed to carry out the demarcation, on filing a fresh application. It is stated it would be necessary to find out whether the land of the petitioner had been taken over for construction of the road or not. He would further submit that if it is found that land of petitioner is acquired he shall

have the liberty to avail the appropriate remedy available to him under the law or respondent may consider for payment of compensation to the petitioner.

2. At first the prayer of the petitioner appears to be genuine that if the land of the petitioner had been acquired and compensation has not been paid in such case it has to be clearly demarcated as to whether land of petitioner is enveloped in road or not. Since it is stated no compensation has been paid in order to claim compensation this initial fact has to be ascertained.
3. Accordingly, it is directed that the respondent No.3 shall carry out the demarcation in respect of the land of the petitioner if fresh application is filed. It is directed that the Tahsildar shall give a clear demarcation report as to whether the petitioner's land had been enveloped by the authorities for construction of road and if it is found that the land has been acquired the petitioner shall be entitled for compensation as may be available to him under the law.
4. The petitioner may file an application for demarcation within a further period of 30 days and Tahsildar shall carry out the demarcation within a further period of 60 days.
5. With the aforesaid observation the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE

Jyoti