

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1706 of 2019

Anuj Agrawal S/o Shri M.G. Agrawal Aged About 52 Years R/o House No. 435 Samta Colony, Near Grawa Ground, First Floor Raipur District Raipur, District : Raipur, Chhattisgarh --- **Petitioner**

Versus

1. The Union of India through its Secretary, Ministry of Road Transport And Highway, New Delhi., District : New Delhi, Delhi
2. National Highway Authority of India through, Project Director & Project Implementation Unit 51/96, Behind BTI College Shankar Nagar, Raipur, District : Raipur, Chhattisgarh
3. Regional Officer National Highway Authority of India, Anupam Nagar Raipur District : Raipur, Chhattisgarh
4. The Land Acquisition Officer-Cum-Sub Divisional Officer (Rev.) Raipur Chhattisgarh., District : Raipur, Chhattisgarh --- **Respondents**

WPC No. 1575 of 2019

Pawan Raj Sahu S/o Shri Laxman Prasad Aged About 52 Years R/o 750/16 Kailash Nagar Veergaon, Raipur, District- Raipur, , District : Raipur, Chhattisgarh --- **Petitioner**

Versus

1. Union of India through Its Secretary Ministry of Road Transport and Highway, New Delhi, District : New Delhi, Delhi
2. National Highway Authority of India through, Project Director and Project Implementation Unit 51/96, Behind BTI College Shankar Nagar, Raipur, District : Raipur, Chhattisgarh
3. Regional Officer, National Highway Authority of India, Anupam Nagar, Raipur, District : Raipur, Chhattisgarh
4. The Land Acquisition Officer Cum Sub Divisional Officer (Rev.), Raipur, District : Raipur, Chhattisgarh --- **Respondents**

WPC No. 1583 of 2019

Israil S/o Shri Babu Khan Aged About 51 Years R/o Village Charoda Post Dharsiwan Tehsil & District Raipur, District : Raipur, Chhattisgarh --- **Petitioner**

Versus

1. Union of India Through Its Secretary, Ministry Of Road Transport And Highway, New Delhil., District : New Delhi, Delhi
2. National Highway Authority of India through, Project Director And Project Implementation Unit 51/96, Behind Bti College Shankar Nagar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Regional Officer National Highway Authority of India Anupam Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. The Land Acquisition Officer Cum Sub Divisional Officer (Rev.), Raipur Chhattisgarh., District : Raipur, Chhattisgarh --- **Respondent**

WPC No. 1678 of 2019

Vasima Khatun Md. Sabir Ansari, Aged About 42 Years R/o Star Tyre Service, Ring Road No. 2, Bahnpuri, Raipur, District- Raipur, Chhattisgarh. --- **Petitioner**

Versus

1. Union of India through its Secretary, Ministry of Road Transport & Highway, New Delhi., District : New Delhi, Delhi
2. National Highway Authority of India, through, Project Director And Project Implementation Unit 51/96, Behind BTI College Shankar Nagar Raipur, District : Raipur, Chhattisgarh
3. Regional Officer, National Highway Authority of India, Anupam Nagar, Raipur, District : Raipur, Chhattisgarh
4. The Land Acquisition Officer Cum Sub Divisional Officer (Rev.), Raipur, District : Raipur, Chhattisgarh --- **Respondents**

WPC No. 1679 of 2019

Manish Gupta Shri Gulabchand Gupta, Aged About 43 Years R/o Opposite Dcb Bank, Near Cloth Market, Kumhari, Raipur, District Raipur, District : Raipur, Chhattisgarh --- **Petitioner**

Versus

1. Union of India through its Secretary, Ministry of Road Transport and Highway, New Delhi., District : New Delhi, Delhi
2. National Highway Authority of India, through, Project Director and Project Implementation Unit 51/96, Behind BTI College, Shankar Nagar, Raipur, District : Raipur, Chhattisgarh
3. Regional Officer, National Highway Authority of India, Anupam Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. The Land Acquisition Officer Cum Sub Divisional Officer(Rev.), Raipur, Chhattisgarh., District : Raipur, Chhattisgarh--- **Respondents**

Presence:

For the Petitioner(s) : Mr. Akhilesh Kumar, Advocate

For respondent No.1 : Mr. K.G. Yadav, Advocate, appears on behalf of Mr. Gopa Kumar, Asst. Solicitor General

For respondents 2 & 3 : Mr. Ashish Surana, Panel Lawyer

For Respondent No.4 : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.05.2019

1. Since the grievance raised in all these writ petitions is about non-payment of compensation to the petitioners in lieu of the acquisition of their lands, they are decided together by this common order.
2. Leaned counsel for the petitioners would submit that by notification dated 04th July 2018 issued under the National Highway Act 1956, the lands of the petitioners were 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 petitioners 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 petitioners

alleged that their lands were taken over and the construction of road has been made over their 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 petitioners have 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 petitioners 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 lands of the petitioners have been acquired without there being any compensation and the compensation is awarded, the same may be disbursed to the petitioners.
5. With such observation/direction, all these petitions stand finally disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**