

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1802 of 2019**

1. Manjit Singh S/o Shri Harpal Singh Aged About 52 Years R/o Near Tarun Chhattisgarh Press Govind Nagar Old City Station Raipur, District- Raipur, Chhattisgarh
2. Ravindra Singh S/o Shri Harpal Singh Aged About 48 Years R/o Near Tarun Chhattisgarh Press Govind Nagar Old City Station Raipur, District- Raipur, Chhattisgarh

---- Petitioners**Versus**

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

---- Respondents

For Petitioners	:	Shri Akhilesh Kumar, Advocate
For Respondents No.1 & 2	:	Shri B. Gopa Kumar, ASG
For Respondents/State	:	Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/05/2019**

1. The grievance raised in this writ petition is about non-payment of compensation to the petitioners in lieu of the acquisition of their land.

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 land 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, the writ petition stands finally disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu