

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1938 of 2019**

Ramdas Tarare, S/o. Late Sukhramji Tarare, Aged About 58 Years, R/o. Near Old Bus Stand, Imlipara, Bilaspur, Chhattisgarh.

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Urban Administration & Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur Chhattisgarh.
2. Sub Divisional Officer (Revenue) & Land Acquisition Officer Bilaspur, Tahsil & District Bilaspur Chhattisgarh.
3. Tahsildar Bilaspur, Tahsil & District Bilaspur Chhattisgarh.

---- **Respondents**

---

|                       |   |                                 |
|-----------------------|---|---------------------------------|
| For Petitioner        | : | Mr. Neeraj Choubey, Advocate    |
| For State/Respondents | : | Mrs. Astha Shukla, Panel Lawyer |

---

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

**02.07.2019**

Heard.

1. The present petition is filed for the following reliefs :

“(i) *That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/ orders, direction/ directions to the respondent authorities to not demolish the shop of the petitioner until & unless, the 26 x 10 = 260 square feet more land will be acquire by the State Government in accordance with law.*

(ii) *That, the Hon'ble Court may, kindly be pleased to direct the respondent authorities to pay the appropriate compensation as per Rs.5948/- per square feet and calculate the valuation of the construction at the rate of Rs.1544/- per square feet in accordance with the guideline*

*issued by the Registrar Office of the State Government.*

*(iii) That, the Hon'ble Court may, kindly be pleased to direct the respondent authority to re-calculate the compensation after applying the multiplier of the "2" in accordance with law.*

*(iv) Any other relief/ reliefs, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.*

2. Learned counsel for the petitioner would submit that though 362 square feet land of the petitioner was acquired but while raising superstructure another 258 square feet of land was acquired forcefully and the shop of the petitioner was demolished. It is contended that the State cannot resort to such action and the acquisition can be made only by lawful means; therefore, the State may be directed to decide the acquisition proceeding and grant compensation to the petitioner according to the law.
3. State counsel has filed its reply. In reply to the State, it is contended that during the course of construction of flyover, apart from the acquired land, additional piece of land admeasuring 258 square feet was felt need and therefore the proposal for acquiring the aforesaid 258 square feet land of the petitioner has already been sent to the Collector and the acquisition proceeding are still going on. The documents filed along with the reply would show that the proposal for acquisition of the additional land is being made by the State by resorting to the Land Acquisition Act, 2013.
4. Taking into fact that the proposal for acquisition of extra land has already been referred by order dated 04.04.2019, as apart from the acquired land, additional land of 258 square feet had been felt need and according to the petitioner, it has already been taken over and demolition of super-structure

has been done, it is directed the acquisition proceeding which has been proposed by the State may be concluded within a further period of six months from the date of receipt of a copy of this order. It is further made clear that the petitioner, if so advised, shall be at liberty to take recourse to the other remedy for damages as available to him under the law for demolition, if any, caused by force. This Court has not made any observation of alleged force demolition as it would be required to be established after elaborate evidence, which may be done and established in a suit alone.

5. With such observation, the petition stands disposed of.

Sd/-  
**Goutam Bhaduri**  
Judge