

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2322 of 2019**

1. Smt. Rukmani Patel, W/o. Shri Dhani Ram Patel, Aged About 60 Years.
2. Dhaniram Patel, S/o. Late Haricharan Patel, Aged About 62 Years.
Both R/o. Village Delari, Post Saraipali, Tahsil & District Raigarh Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
2. Chief Executive Officer, Chhattisgarh Gramin Sadak Vikas Abhikaran, Civil Line Raipur, District Raipur, Chhattisgarh.
3. The Collector Raigarh, District Raigarh, Chhattisgarh
4. Sub Divisional Officer (R), Raigarh, District Raigarh, Chhattisgarh.
5. Executive Engineer, Pradhanmantri Gram Sadak Yozna, Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Dhani Ram Patel, Advocate
For State	:	Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11.07.2019**

1. The instant writ petition is filed for the following reliefs :

(i) *That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to settle and pay the compensation in accordance with Act of 2013 and Chhattisgarh Right To Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement (Social Impact Assessment, Consent & Public Hearing) Rules, 2016.*

(ii) *That, the Hon'ble Court may kindly be pleased to direct the respondents to decide the claim of the petitioners and to award the just and fair compensation with interest in accordance with law.*

(iii) *Any other relief, which may be deemed fit and proper in the facts and circumstances of the case, may also be allowed.*

2. Learned counsel for the petitioners would submit that a road being constructed, therefore, the land of the petitioners bearing Khasra No.38, 39 & 35 area about 3.00 acres at village Delari, Post Saraipali, Tahsil & District Raigarh is being affected. It is stated that the road are being widened and new road is being constructed over the land of the petitioners, however, before dispossession of the petitioners or taking away their right, the acquisition proceeding has not been adhered-to. He submits that without any acquisition proceeding, by force, the lands have been acquired; therefore, the authorities may be directed to commence the land acquisition proceeding and grant suitable compensation as per the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.
3. Since it has been contended that the petitioners have been forcefully dispossessed of their part of land and they have not been paid any compensation, if the allegations are accepted as a whole, it would be against the spirit of Article 300A of the Constitution of India which provides that no person shall be deprived of his property save by authority of law.
4. Under the circumstances, it is directed that the demarcation be carried out in respect of the land of petitioners and thereafter if the land had been taken into the sweep of acquisition for construction of road then the proceeding for land acquisition according to the Act of 2013 may be commenced forthwith. It is observed that the entire proceeding of demarcation and land acquisition may be carried out within an outer limit of 9 months from the date of receipt of a copy of this order.
5. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge