

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2512 of 2019

Ravi Kohli S/o Shri Jagdish Chandra Kohli Aged About 57 Years
R/o Plot No. 502 Amaltas, Maulishri Vihar VIP Road Raipur, District
Raipur, Chhattisgarh

---- Petitioner

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 petitioner- Shri Akhilesh Kumar, Advocate.
For State- Shri Sudeep Verma, Dy.G.A.
For respondent No.1- Shri R.K. Gupta, Advocate.
For respondent No.2- Shri Navin Shukla, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

24/07/2019

Heard.

1. Learned counsel for the petitioner submits that similar issue has been decided in WPC No.1706/2019 and other connected matters which is not disputed by learned counsel for the respondents.
2. This court in WPC No.1706/2019 and other connected matter has passed the following order:-

“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. Learned 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.”

3. It is ordered accordingly. Aforesaid order shall also govern in this petition.
4. In view of the above, this petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE