

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2832 of 2019

1. Smt. Seema Rathore, W/o. Shri S.K. Rathore, Aged About 53 Years.
2. Sanjiv Rathore, S/o. Shri S.K. Rathore, Aged About 35 Years.
3. Sumeet Rathore, S/o. Shri S.K. Rathore, Aged About 33 Years.

All R/o. Senior MIG - 32, Housing Board Colony, Awanti Vihar, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Public Works Department.
2. Collector (Land Acquisition) Raipur, District Raipur, Chhattisgarh.
3. Sub Divisional Officer (Revenue) & Land Acquisition Officer Raipur, District Raipur, Chhattisgarh.
4. Executive Engineer, Public Works Department, Vidhan Sabha Division, Raipur, District Raipur, Chhattisgarh.

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For Petitioners	:	Mr. Priyank Rathi, Advocate
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For State/Respondents	:	Mr. Sudeep Verma, Dy. Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.08.2019

Heard

1. Learned counsel for the petitioners would submit that on an earlier round of litigation when the road was constructed over the land of the petitioners bearing Khasra No.666/2, a writ petition was filed on the ground that the said road has been constructed without any acquisition of the land. On such petition, this Court by an order dated 15.03.2018 has directed for demarcation of the land with a direction that if the land is not acquired then it was directed the proceeding may be drawn for grant of compensation. It is stated that subsequently the said order was not complied, which led to filing of contempt petition. Subsequently, an order was passed by the Collector on

22.11.2018 wherein the Collector ordered that wrongly the road has been constructed over the land of the petitioners instead of the government land bearing Khasra No.869 and directed to return the said land to petitioners and directed for restoration to its original shape. It is stated that thereafter again the respondents have started construction and again the land of the petitioners has been encroached upon bearing Khasra No.666/2 and the road is being constructed. It is stated that without any acquisition of the land, the act of forceful acquisition without authority of law is again been repeated.

2. Perused the order of the Collector passed earlier after round of litigation. In facts of the case, it is directed that demarcation of Khasra No.666/2 shall be carried out strictly in accordance with the provisions of the Chhattisgarh Land Revenue Code in presence of the petitioners, as it is alleged that time and again road is being constructed by the officer over the land which belong to the petitioners without any lawful acquisition of land. After such demarcation is carried out, if the land of the petitioners are taken over then accordingly the compensation proceeding be drawn for land acquisition. Till such demarcation is carried out as per the Land Revenue Code, no further construction of the road shall be carried out over the land on the principle that no individual can be deprived of his property otherwise than in due course of law.
3. With such observation, the petition is disposed of.

Sd/-
Goutam Bhaduri
Judge