

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2905 of 2019**

- Gorelal S/o Shri Bahratu Aged About 46 Years Caste Kashyap, R/o Village Kutra, Tahsil Janjgir, Civil And Revenue District- Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Public Works Department (B/R), Mantralya Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Collector Janjgir, Distict- Janjgir-Champa, Chhattisgarh
3. Land Acquisition Officer/Sub Divisional Officer (Revenue) Janjgir, District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Ankul Biswas, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/08/2019**

1. Heard.
2. The contention of the petitioner is that for widening of the existing road, the land of the petitioner bearing Khasra No.1105/3 the part of it was acquired, however, till date no compensation has been paid. The land is situated at village Kutra, Tahsil Janjgir, District Janjgir-Champa.
3. Learned counsel for the petitioner submits that the petitioner has made representation, which may be directed to be decided by the Collector as in the similar situation in WPC No.404 of 2018 wherein the co-ordinate Bench of this

Court on 15.02.2018 has passed the order to measure the land and if the land is acquired a direction has been given to proceed in accordance with law.

4. Considering the averments made by learned counsel for the petitioner, it is a trite law that no one can be deprived of his property otherwise than in due course of law. If the land of the petitioner has been taken over for widening of the road, then in such case, the petitioner has to be compensated and whether the land has been taken over for construction of the road is to be ascertained by demarcation. Therefore, the Collector is directed that if the representation is made by the petitioner, then in such case the Collector shall proceed to enquire as to whether the land of the petitioner has been taken over for construction of the road or not by demarcation of the land and if it is taken over for road the proper procedure for acquisition shall be adopted in accordance with law. It is directed that the petitioner shall make afresh representation within a period of 30 days and the Collector thereafter shall decide the same after receipt of the representation within a period of 60 days and may proceed in accordance with law for acquisition.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge