

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3796 of 2019

Birendra Bahadur Singh Thakur S/o Late G. S. Thakur Aged About 44 Years R/o House No. 78, Balaji Green City, Sondongari, Hirapur, P. S. Kabir Nagar, District- Raipur Chhattisgarh.

--- Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
- 2.** Chhattisgarh Housing Development Board Through Commissioner, Commercial Campus, Sector, 8, Saddu, Raipur, Chhattisgarh.
- 3.** Competent Officer (Land Acquisition) Sub Divisional Officer, Raipur, Chhattisgarh.
- 4.** Tahsildar Tahsil Dharsiva, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vaibhav P. Shukla on behalf of Shri Ashutosh Pandey, Advocate.
For State	:	Shri Ashutosh Mishra, Panel Lawyer.
For Respondent 2	:	Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.10.2019

- 1.** The defaults pointed out by the Registry, for the moment, stands ignored and the matter is heard finally with the consent of the parties.
- 2.** The present writ petition has been filed seeking appropriate direction to the respondents to allot separate house under 'Atal Awas Yojana' in the village **Kurra** against the house which was earlier allotted by the respondent No. 2 to petitioner and which has subsequently been demolished on account of acquisition made by the Government for widening of the National Highway.
- 3.** Contention of the petitioner is that the petitioner have till date neither been given alternate house by the respondent No.2 Board nor has he been released compensation on account of loss of residential house.
- 4.** Counsel appearing for respondent No.2 Board submits that so far as the compensation part is concerned, the same has to be received from the State Government and respondent No.2 Board shall ensure that the entire

compensation payable shall be deposited before the concerned authority under the State Government at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. The petitioner would be at liberty to claim the said compensation from the concerned authority in the State Government.

5. So far as the allotment of alternate house to the petitioner is concerned, the contention of the learned counsel for the Board is that the Board as of now does not have any vacant house available at the said locality where the petitioner was earlier allotted house and therefore, the Board at this juncture is finding it difficult to allot alternate house to the petitioner. However, the petitioner would be entitled for the appropriate compensation for loss of house.
6. Given the said facts and circumstances of the case, this Court is of the opinion that since there was no specific understanding between the parties or a written agreement between the parties or a particular scheme framed by the respondent so far as granting alternate accommodation to the petitioner is concerned, this Court is of the opinion that petitioner at best would be entitled for the compensation alone that he is entitled for.
7. Contention of the petitioner is that it has been now more than 3 years that petitioner has been denied both the houses at the first instance and compensation at the second instance and therefore the petitioner should be suitably compensated by way of awarding appropriate interest.
8. Given the said facts and circumstances of the case and also considering the fact that petitioner has been put to loss of his investment made long ago in the allotment of the house to the respondents and now that the house which was built in the name of petitioner has been demolished for widening the road, the petitioner was supposed to be paid appropriate compensation promptly with which he could purchase a separate house

immediately. Now when the petitioner go for purchase of a fresh house they will have to pay the market price prevailing today which definitely by now must have been increased manifold by passage of time.

9. Given the facts, this Court is of the opinion that respondents would consider payment of interest to the petitioner at the rate of 6% per annum from the date of acquisition of the property in which the house of the petitioner was, till the date of actual payment is made. Let steps be taken by the respondents in this regard at the earliest.

10. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder