

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3726 of 2019

Sulendari W/o Fagulal, aged About 47 Years R/o Village - Loharin Dongari,
Tahsil Pithoura, District - Mahasamund Chhattisgarh.

--- Petitioner(s)

Versus

1. State of Chhattisgarh Through - Secretary Revenue Department, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh.
2. Land Acquisition Officer / Sub Divisional Officer (Revenue) Pithoura, District - Mahasamund Chhattisgarh.
3. National Highway Authority of India Through - Chairman National Highway Authority G - 5 And 6, Sector 10, Dwarika, New Delhi.
4. Engineer In Chief National Highway Authority Sirpur Bhavan, Near Kali Mandir, Via Governor House Road, Raipur Chhattisgarh.
5. Collector, Mahasamund, District - Mahasamund Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ravindra Sharma, Advocate
For State	:	Shri Ayaz Naved, Dy. Govt. Advocate.
For Respondent 3	:	Shri Rahim Ubwani, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.10.2019

1. The dispute in the present writ petition confines to the property situated in Khasra No.2/3 at Village Loharin Dongari, Tehsil Pithora, District Mahasamund.
2. The contention of the petitioner is that, the original measurement of that property was of 400 sq. meters, of which the respondent authorities in June, 2013 have acquired 300 sq. meters of land for the purpose of widening/construction of road and the petitioner was also paid compensation for the said piece of land. The grievance of the petitioner now is that, the petitioner's remaining 100 sq. meters of land on the said Khasra No. i.e. 2/3 is also being taken away by the respondents unauthorizedly on the pretext of widening of road. He further submits that there has been no acquisition proceeding for the said 100 sq. meters of property. Neither has the petitioner being paid any compensation for the

said land. Therefore, in the absence of property being acquired, the respondent authorities should be restrained from firstly using that land for widening of road and also should be restrained from raising further development works unless he is paid with appropriate compensation.

3. Considering the fact that dispute revolves around only 100 sq. meters of land belonging to the petitioner in Khasra No.2/3 in village Loharin Dongari, Tehsil Pithora, District Mahasamund and also taking note of the fact that 300 sq. meters of land of the same Khasra number has already been acquired by the respondent authorities, ends of justice would meet if the respondents No.2,4 and 5 are directed to verify the grievance of the petitioner and to ascertain whether that 100 sq. meters of land in Khasra No.2/3 in the said village is also being used by the respondent authorities for widening/construction of road. If that be so, then the respondent authorities should ensure whether the appropriate proceedings for acquisition is done and the petitioner is suitably compensated for the land which is being used by the respondents for the said purpose.
4. Let the petitioner approach the respondents No.2,4 and 5 within a period of 15 days by making a detailed representation supported with all relevant records and documents in respect of the same and the said respondents, on due consideration of the representation, shall pass an appropriate order redressing the grievance of the petitioner at the earliest preferably within a period of six months from the date of receipt of representation.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge