

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 3977 OF 2019**

- Balram, S/o Paras Ram Patel, aged about 48 years, caste Aghariya, R/o Village Sankra, Tahsil Pithora, District Mahasamund (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (CG)
2. Collector, Mahasamund, District Mahasamund (CG)
3. Sub Divisional Officer (Revenue), Pithora, District Mahasamund (CG)
4. Tahsildar, Pithora, District Mahasamund (CG)
5. Moti Lal, S/o Rewaram Aghariya, R/o Village Sankra, Tahsil Pithora, District Mahasamund (CG)

... Respondents

For Petitioner	:	Mr. Nasimuddin Ansari, Advocate.
For Respondent-State	:	Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/11/2019**

1. The limited relief that the petitioner has sought for in the present writ petition is for an appropriate direction to respondents no. 2 to 4 to verify whether the land, bearing Khasra No. 570, area 1.00 hectare, situated at Village Sankra, Tahsil Pithora, District Mahasamund, which has been acquired by the respondent-State for construction of canal, is in the name of the petitioner or not and, in case, if it is in the name of the petitioner, an appropriate compensation be made to the petitioner alone and not to any third party.

2. According to the petitioner, the aforesaid land is the ancestral property of the petitioner and he was in possession of the said land at the time when the acquisition proceedings were initiated. However, inadvertently, when the acquisition proceedings were drawn, in the map the name of respondent no.5 - Moti Lal was reflected on the land belonging to the petitioner.

3. Counsel for the petitioner submits that the petitioner immediately had moved an application (Annexure P-1) before the Tahsildar, Pithora seeking for correction in the computerized map prepared and correcting it to the extent that the name of the petitioner be reflected in the land bearing Khasra No. 570, area 1.00 hectare, situated at Village Sankra, Tahsil Pithora, District Mahasamund.

Though an application was filed, but till date no proceedings have been drawn on the said application nor any order has been passed by the respondents. Now the compensation proceedings are being finalized and there is all likelihood of the petitioner may not get the compensation and the compensation may be given to respondent no.5 who is not the actual owner of the said land.

4. Given the aforesaid limited grievance that the petitioner has, this Court is of the opinion that ends of justice would meet if the present writ petition is disposed of with a direction to respondents no. 2 to 4 to verify whether the land bearing bearing Khasra No. 570, area 1.00 hectare, situated at Village Sankra, Tahsil Pithora, District Mahasamund, acquired by the respondent-State stands in the name of the petitioner or not. That, if on verification it is found that the petitioner is the actual land owner than appropriate proceedings be drawn for correcting the map as well as a compensation be paid to the petitioner instead of the same being paid to someone else who is not the actual owner of the said land. Let this exercise be completed at the earliest, preferably, within a period of 90 days from the date of receipt of certified copy of this order, before the compensation is released to a person who is not the actual owner of the said land.

5. The writ petition stands accordingly disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE