

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3467 of 2018**

- Kiran Jain W/o Dilip Jain Aged About 50 Years R/o Ward No.11, Killapara, Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh
2. Secretary State Of Chhattisgarh, Urban Administration Department, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh
3. Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
4. Chief Municipal Officer Nagar Palika Parishad, Khairagarh, District Rajnandgaon Chhattisgarh
5. Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon Chhattisgarh
6. Tahsildar Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner	Mr. Vivek Singhal, Advocate
For Respondent/State	Mr. Alok Bakshi, Additional Advocate General

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****2/1/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner's land was acquired by the Municipal Council,

Khairagarh for widening of road and a part of the construction belonging to the petitioner on the subject land was demolished way back in the year 2014, however, the compensation has not been paid to the petitioner. He would further submit that in a similarly situated case i.e. WPC No.770 of 2018, decided on 12.9.2018 (**Raju Agrawal Vs. State of Chhattisgarh and others**), a statement was made before this Court that the amount of compensation has already been paid to said Raju Agrawal. Therefore, the petitioner is also entitled to similar treatment in respect of payment of compensation for acquisition of her land for widening of road by the Municipal Council, Khairagarh.

3. Learned counsel for the State would submit that if the petitioner's case is similar to the case of **Raju Agrawal (supra)**, then, the competent authority shall decide the matter, in the event, the petitioner moves representation in accordance with law.
4. In the matter of **Raju Agrawal (supra)**, this Court has passed the following order :

- "1. The writ petition has been preferred seeking adequate compensation for the use of petitioner's land for widening of road by the Municipal Council, Khairagarh.
2. On 29-8-2018 this Court directed for personal attendance of the Collector, Rajnandgaon, Chief Municipal Officer, Municipal Council, Khairagarh and the concerned

Secretary, PWD.

3. Shir P.S. Som, Chief Municipal Officer, Municipal Council, Khairagarh, District Rajnandgaon, is present. Applications (IA No.3 and IA No.2) for exemption from personal appearance have been made on behalf of the Collector, Rajnandgaon, and the Secretary, PWD, respectively submitting that the petitioner has been paid compensation amount to the tune of Rs.29,60,486/-.
4. Learned counsel for the petitioner would not dispute the aforesaid statement that the compensation amount has already been paid to the petitioner by way of cheque (Annexure -A/3).
5. In view of the above, prayer made in the applications (IA No.3 and IA No.2) for exemption from personal appearance of the Collector, Rajnandgaon, and the Secretary, PWD, respectively are allowed.
6. Since the grievance of the petitioner has been redressed, nothing survives in this petition for adjudication, therefore, the writ petition stands disposed of."
5. In the present case, let the petitioner move representation before the Collector, Rajnandgaon with a copy to the Chief Municipal Officer, Municipal Council, Khairagarh for payment of compensation on account of acquisition of her land for widening of road. On such representation being made, the Collector, Rajnandgaon shall decide the representation in

consultation with the CMO, Municipal Council, Khairagarh within a period of 8 weeks from the date of submission of representation. If the petitioner's case is found to be similar to the case of **Raju Agrawal (supra)**, the petitioner shall also be entitled to compensation in accordance with law.

6. The writ petition is accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna