

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4600 of 2019**

Patiram S/o Manohar Bhardwaj Aged About 50 Years Caste Satnami, R/o Village Chherakabhandha, Police Station Kota, District - Bilaspur Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary Irrigation Department, Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh
2. Collector, Bilaspur District Bilaspur Chhattisgarh
3. Land Acquisition Officer / Sub Divisional Officer (Revenue) Kota, District Bilaspur Chhattisgarh.
4. Executive Engineer, Water Resources Department, Division Kota District - Bilaspur Chhattisgarh. **---- Respondents**

For Petitioner	: Shri P.K. Yogi, Adv.
For State	: Shri Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

16.12.2019

1. The claim of the petitioner in the present writ petition is for an appropriate direction to the respondents to consider his claim for grant of compensation against the damage of his agricultural land. Because of the construction of Dam (Bhaisajhar Arpa Project) in the land belonging to the petitioner as a result of which the petitioner has not been able to cultivate his agricultural land since then.
2. This Court, at this juncture is not inclined to entertain the writ petition for the reason that petitioner had earlier filed a writ petition, i.e., the writ petition (C) No. 2461/2016 and writ petition was disposed of by making following observations:-

(1) Return has been filed stating inter alia that the petitioner's land has not been acquired and the said statement has been made in paragraph 3 of his affidavit.

(2) Paragraph 3 of the affidavit states as under:-

“3. It is pertinent to submit here that the petitioner's land has not been acquired by the answering

respondents for the purpose of above said construction of Main Canal under the ArpaBhaisajhar Project. However, it is pertinent to submit here that, acting upon the representation made by the petitioner on 22.03.2016 (Annexure P/3), the answering respondent No. 3 instructed the Executive Engineer, Water Resources Division, Kota, District – Bilaspur (C.G.) to plain the land of the petitioner and in pursuance to the same, the Sub Divisional Officer, Water Resources Sub Division, Ratanpur, District – Bilaspur submitted a report, stating therein that a spot inspection of the petitioner's land was made and the levelling of the petitioner's land has been done. For describing the above said facts, copy of letter dated 25.02.2017 and inquiry report dated 07.03.2017 submitted by the Sub Divisional Officer, Water Resources Sub Division, Ratanpur are collectively filed and marked herewith as Annexure R/1. It is respectfully submitted that the answering respondent No. 3 has duly communicated the petitioner with regard to the inquiry report and doing leveling of his land vide letter dated 09.03.2017. A copy of the communication letter dated 09.03.2017 is annexed and marked herewith as **Annexure R/2**.

3. Given the said facts that the petitioner had not opposed to the disposal of the writ petition, or the submission of the Counsel for the respondents, at that point of time, the petitioner now can not be permitted to turn around to raise fresh claim in respect of the very same property by way of a fresh writ petition.
4. The writ petition therefore fails and is accordingly rejected.

Sd/-

**(P. Sam Koshy)
Judge**