

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4628 of 2019**

Atma Ram Sahu S/o Late Chintamani Sahu, Aged About 64 Years R/o.
Village Sarwani, Police Station Chakarbhattha, Tahsil Bilha, District
Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh
2. Collector, Bilaspur, District Bilaspur Chhattisgarh
3. Commissioner, Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.
For Respondent No.3	:	Ms. Pushpa Dwivedi, Advocate on behalf of Mr. A.S. Kachhwaha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/12/2019**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 05.08.2019. Vide the said order, the respondent No.3 has rejected the representation of the petitioner seeking for compensation of the land which has been acquired by the respondents allegedly belonging to the petitioner.
2. The present is a second round of litigation. The first round of litigation was WPC No. 1683/2019 decided on 09.05.2019, whereby this Court had directed the petitioner to make a representation to the respondent No.3 and the respondent No.3 in turn was directed to consider and decide the representation.
3. The respondent No.3 has now decided the said representation made by the petitioner. In the course of deciding the representation, it has

been specifically held by the respondent No.3 that the decision for construction of the said Ring Road No.2 which is commonly known as '*the Gaurav Path*' was published in the official gazette on the 15th of March, 1991. It also reveals that when the said publication was made in the official gazette, the petitioner was not the owner of the said property. The petitioner it seems to have purchased the said property only on 7th of July, 1995 i.e. after more than 5 years from the date the gazette publication, so far as the master plan for construction of the Ring Road was published.

4. The aforesaid factual aspect as has been reflected from the impugned order is not in dispute by the petitioner.
5. Given the said facts, what is clearly reflected is that the petitioner has purchased the said property knowing fully well that the portion of the land was in the process as per the master plan for construction of the Ring Road No.2. In spite of full knowledge of the same, if the petitioner purchases the said property, it is at his own risk and the petitioner therefore would not be entitled for any compensation for the said property.
6. Another aspect, which is to be seen is that though the petitioner had purchased the said property in the year 1995 for a very long time i.e. for more than a decade, the petitioner had not raised any claim for compensation against the said land belonging to the petitioner, which stood acquired for the construction of the Ring Road No.2.
7. In view of the same, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order

Annexure P/1. The writ petition therefore fails and is accordingly rejected.

8. The dismissal of the writ petition would not preclude the petitioner from availing other remedies open for him.

Sd/-
(P. Sam Koshy)
Judge

Ved