

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 326 of 2020

Gurmel Singh Saini S/o Late Sardar Gurucharan Singh Saini Aged About 57 Years R/o In Front Of Vijaya Bank, Shayam Nagar, Telebandha, District Raipur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Public Works Department, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector Raipur, Chhattisgarh
3. Sub Divisional Officer And Land Acquisition Officer Raipur, Chhattisgarh.
4. Executive Engineer Public Works Department, Division No. 3, Raipur, Chhattisgarh

----**Respondents**

For Petitioner	: Shri Parag Kotecha, Adv.
For State	: Shri Ishan Verma, P.L.

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

30.01.2020

1. The relief sought in the present writ petition is for a direction to the respondents to return the land belonging to the petitioner which was acquired earlier for the purpose of construction of road.
2. The contention of the counsel for the petitioner is that the petitioner has not received any compensation against the said land which was acquired by the respondents. It is also contended that the petitioner's major portion of land is left unused even after widening and construction of the By Pass road.
3. Therefore, Counsel for the petitioner prays that the unused land may be returned back to the petitioner.
4. Counsel for the petitioner further submits that a similar grievance was raised by another person in WPC No. 267 of 2017 wherein this High Court had disposed of the writ petition on 10.05.2017. That pursuant to the directions given by this Court in the said writ petition the authorities have returned back the unused land to the said petitioner. He further submits that the land belonging to the said petitioner was the adjacent land of the present petitioner. Therefore,

an appropriate directions may be issued for considering the claim of the petitioner on similar terms.

5. The State Counsel, at the outset, submits that it appears that the portion of land of the petitioner has been used for construction of road, therefore, it cannot be said that it has not been used by the said authority. State Counsel further submits that there may also be a possibility that the petitioner having received compensation, though, they have pleaded having not received.
6. Given the said facts and circumstances of the case, this Court is of the opinion that the present case can also be disposed of in terms of the order passed by this High Court in WPC No. 267 of 2017 decided on 10.05.2017. Accordingly, it is directed that respondents No. 2 & 3 shall consider the request / representation of the petitioner for returning back of land by passing an appropriate decision in accordance with law. Let a decision be taken within outer limit of 4 months from the date of receipt of copy of this order after due verification of the entire facts and also the law governing the field
7. It is made clear that this Court has not expressed anything on the merits of the case of the petitioner, the authorities shall decide this case purely in accordance with law.
8. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge