

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 873 of 2020**

1. Pooran Lal S/o Late Shri Hari Prasad, Aged About 35 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh
2. Jagnnath Dansena S/o Late Shri Hari Prasad, Aged About 55 Years, R/o Village Kosamnara, Tahsil And District, Raigarh
3. Bhagwano D/o Late Sewakram, Aged About 34 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
4. Rajkumari W/o Late Ramlal Negi, Aged About 65 Years, R/o Village Kosamnara, Tahsil Raigarh, District Raigarh, Chhattisgarh
5. Neelkamal S/o Late Shri Hari Prasad, Aged About 35 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
6. Teekaram S/o Late Shri Digamber Prasad, Aged About 52 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
7. Saheb Ram S/o Late Tilakram Dansena, Aged About 48 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
8. Ramesh Kumar S/o Late Bhuplal, Aged About 25 Years, R/o Near Murari Hotel Raigarh, Tahsil And District Raigarh, Chhattisgarh
9. Digari Lal S/o Late Rooplal, Aged About 48 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
10. Ashok Kumar S/o Late Bholaram, Aged About 40 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
11. Nagendra Negi S/o Late Heeralal Negi, Aged About 48 Years, R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh
12. Shyamlal Negi S/o Late Shankar Prasad, Aged About 43 Years

R/o Village Kosamnara, Tahsil And District Raigarh, Chhattisgarh

- 13.** Medini Negi S/o Late Heeralal Negi, Aged About 45 Years R/o Village Kosamnara, Tahsil And District Raigarh Chhattisgarh

---- Petitioners

Versus

- 1.** State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhavan, Mantralay, Raipur, District Raipur, Chhattisgarh
- 2.** The Collector Raigarh, District Raigarh, Chhattisgarh
- 3.** The Sub Divisional Officer (Revenue) Raigarh, District Raigarh Chhattisgarh
- 4.** The Executive Engineer, Public Works Department, Raigarh Division, District Raigarh, Chhattisgarh
- 5.** The Tahsildar Raigarh, District Raigarh, Chhattisgarh
- 6.** The Nayab Tahsildar Raigarh, District Raigarh, Chhattisgarh
- 7.** The Patwari Halka No. 8, Tahsil And District Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. M. K. Sinha, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

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

09.03.2020

- 1.** The relief sought by the petitioners in the present writ petition is firstly for quashing Annexure P-1 dated 26.06.2019 which is an order for mutating the property in the name of the Government. The second relief sought by the petitioners is for an appropriate direction to the

respondents to consider the representation of the petitioners so far as grant of compensation for the land which the respondents had acquired in the year 1979-80. The third relief sought by the petitioners is for a direction to the respondents not to construct Rail Over Bridge (ROB) without acquisition of land if at all the land is required for construction of the same and appropriate compensation be also paid to the petitioners for the same.

2. The facts of the case are that the respondents had in the year 1979-80 initiated land acquisition proceedings for construction and widening of road which stood finalized in the year 1982 and in the process, land measuring 3.318 hectares in Khasra No. 102/01 belonging to the petitioners was acquired. The grievance of the petitioners is that against the said acquisition of land, no compensation whatsoever has been paid to the petitioners nor have the respondents issued any notice calling upon the petitioners to collect compensation as decided by the Land Acquisition Officer.
3. Further grievance of the petitioners is that though the award was passed in the year 1979-80, the land still stood in the name of the petitioners in the revenue record and it is now vide Annexure P-5 dated 15.03.2019 and the impugned order dated 26.06.2019 that the property got mutated in the name of the Government. That this mutation has been done without any notice to the petitioners which is again contrary to the provisions of law.
4. Given the said facts what is apparently clear from the pleadings is that so far as the acquisition proceedings of 1982 is concerned, that has since attained finality. There is no challenge to the said acquisition

proceedings. The said acquisition proceedings were made for the purpose of construction of road. The road has also as per the contention of the petitioners been constructed on the said land.

5. Given the said facts, the petitioners as such cannot have a grievance so far as the acquisition proceedings are concerned. Now if the petitioners have not been paid compensation for the land that had been acquired by the respondents, the petitioners would always be at liberty to approach the Department claiming compensation for the same. If any representation of the petitioners in this regard is pending consideration before the respondents 2 & 3, the same be decided at the earliest in accordance with law.
6. So far as the construction of ROB is concerned, if the construction of ROB is over the land which was acquired in 1979-80 and was finalized in the year 1982, the petitioners cannot have any grievance on the same. The respondents are expected to ensure that the construction of ROB would be only upon the acquired land which they would get clearly demarcated in accordance with law before proceeding further. However, if the respondent authorities need more land and in the process they take over the adjoining land belonging to the petitioners, that has to be done only in accordance with the provisions of law i.e. acquisition laws prevailing as on date and for which appropriate steps should be taken by the respondents.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge