

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1249 of 2020**

1. Hoshiar Singh Mangat S/o Late Shri Gurbakhsh Singh Aged About 78 Years R/o House No. 100, Las Vista Colony, Vip Road, Amlidih Thana New Rajendra Nagar, 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 (Revenue) And Land Acquisition Officer Cum Competent Officer (Land Acquisition), Raipur, Chhattisgarh
4. National Highway Authority Of India Through Its Managing Director, New Delhi
5. Project Director, National Highway Authority Of India, Project Implementation Unit- Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Adv.
For State/Res. 1 to 3	:	Mr. Sudeep Verma, Dy. G.A.
For Respondents No. 4 & 5	:	Mr. B.Gopa Kumar, Asstt. S.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/09/2020**

1. The grievance of the petitioner in the present writ petition is to the action on the part of the respondent authority in acquiring excess land of the petitioner for the purpose of widening and construction of the National Highway 30/43.
2. The contention of the petitioner is that for the purpose of widening and construction of National Highway No. 30/43, the respondents had passed an award under the National Highway Act, 1956 on 31.10.2017.
3. According to the petitioner, as per the award, a portion of the petitioner's land situated at Khasra No. 35 at village Mana measuring 1101 sq. meter was acquired as is reflected from the award dated 31.10.2017.

However, in the course of the construction and widening of the Road, according to the petitioner, the respondents have also entered upon and occupied 650 Sq. Meter in Khasra No. 36 of the same village and this 650 sq. meter of the property is not reflected in the award and therefore, the petitioner has not been paid any compensation for the same nor the respondents have initiated any acquisition proceedings for the said portion of land. According to the petitioner, he has made repeated correspondences with the respondent authorities but till date no fruitful relief has been received by him and thus he has filed the present writ petition for an appropriate direction to the respondents.

4. Considering the fact that the grievance of the petitioner is that of certain area of land being taken over by the respondents in the course of construction of the National Highway 30/43 without any acquisition proceedings and without payment of any compensation, this Court is of the opinion that the writ petition itself can be disposed of at this juncture directing the State authorities, particularly the respondents No. 2 & 3 to take necessary steps in getting the property of the petitioner demarcated so far as Khasra No. 36 in village Mana is concerned and to verify whether, in-fact 650 sq. meter of the petitioner's property from the said kharsa Number has been entered upon by the respondents for the purpose of construction of road without any acquisition proceedings and also without payment of compensation. In the event, in the course of demarcation if it is found that the contention of the petitioner is correct and his 650 Sq mtr of land has been taken by the respondents without following the law, then the respondents No. 3 to 5 shall take necessary steps thereafter ensuring that the grievance of the petitioner

stands redressed, in as much as he is duly paid compensation, if he is entitled for the same in accordance with the provision of law.

5. Let the respondents No. 2 & 3 get the property of the petitioner demarcated within a period of 60 days and after the demarcation is done, based upon the demarcation report, let the respondents No. 4 & 5 take necessary steps as is required for redressal of the grievance of the petitioner within a further period of 90 days from the date of receipt of the demarcation report from the State Government.
6. The present writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha