

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(C) No. 1352 of 2020**

1. Laxmi Prasad Kurre S/o Shri Manglu Kurre Aged About 65 Years R/o Village Gataura, Tahsil Masturi, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Collector Bilaspur, District Bilaspur, Chhattisgarh
3. The Sub-Divisional Officer (Revenue) Masturi, District Bilaspur, Chhattisgarh
4. The Chief Engineer Public Works Department, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rama Kant Pandey, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/07/2020**

1. The present writ petition has been filed by the petitioner against the action on the part of the respondent-authorities whereby the petitioner has been paid compensation under the Land Acquisition Law for only 0.03 acre of land in-spite of his 0.06 acre of land being acquired for the construction of Beltara-Jayramnagar bypass road.

2. According to the Counsel for the petitioner, for the purpose of construction of the aforesaid road, the land measuring 0.06 acre of the petitioner was taken over or acquired by the State authorities. However, when the compensation was paid and he has been paid

only for the land measuring 0.03 acre of land i.e. he has got only 50% of the compensation which he was entitled for.

3. Given the limited dispute/grievance that the petitioner has raised in the present writ petition, this Court is of the opinion that since the dispute is one which has to be duly verified by the authorities under the Land Acquisition Law and on due verification, appropriate steps have to be taken for payment of compensation to the extent of the land belonging to the petitioner which has been acquired.

4. This Court has no hesitation in holding that if the petitioner's land measuring 0.06 acre has been acquired under the acquisition proceedings, unless the area is denotified and reduced, the petitioner would be entitled for the compensation for the entire land acquired. This aspect is also one which needs verification by the Competent Authority.

5. Given the aforesaid factual matrix of the case, this Court disposes of the writ petition directing the respondents No. 2 & 3 to consider the grievance of the petitioner and ensure that the petitioner is paid compensation for the actual land which has been acquired.

6. If the authorities are of the view that half of the land is no longer required then appropriate steps should be taken to denotify the said portion of the land from the award so that the property vest back to the petitioner and he would be able to enjoy its fruit.

7. Let the petitioner approach the respondent No. 2 & 3 by making a fresh representation/application, in addition to the application that he has made which the respondent No. 2 & 3 shall process in accordance with law and take a decision at the earliest

preferably within a period of 120³ days from the date of receipt of copy of this order.

8. With the aforesaid observations/directions, the writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha