

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1442 of 2020**

1. Smt. Ramvati Patel W/o Billuram Patel Aged About 68 Years R/o Village Mouhapali, Police Station And Tahsil Kharsiya District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Through General Manager, South Eastern Central Railway Bilaspur Zone, Zonal Office Bilaspur Chhattisgarh.
2. Deputy Chief Engineer South Eastern Central Railway Raigarh District Raigarh Chhattisgarh
3. Additional Collector Raigarh, District Raigarh Chhattisgarh.
4. Land Acquisition Officer / Sub Divisional Officer (Revenue) Kharsiya, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. F.S. Khare, Advocate.
For Resp. No. 1 & 2	:	Mr. Abhishek Sinha, Advocate.
For Resp. No. 3 & 4	:	Mr. Siddharth Dubey, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/08/2020**

1. The dispute in the present writ petition seems to be in respect of the alleged acquisition of land by the respondents No. 1 & 2 for the construction and laying of railway track.
2. The learned standing counsel for the railway department referring to paragraph 8.3 of the writ petition and the chart reflected in the said paragraph submits that the details provided in the said chart is not in dispute. The standing counsel submits that the area of land reflected in column 4 referring to the remaining land is not acquired by the railway's department and the said property as per the revenue records i.e Panchnama prepared on the 17.03.2020 in this regard, is still in possession of the petitioner and therefore she is not entitled for any compensation for the same.
3. Counsel for the petitioner submits that the said finding is incorrect and the said finding by the revenue authorities pertains to a different Khasra

Number and the details of the remaining land provided in paragraph 8.3 of the writ petition is also taken over by the railway authorities for the purpose of construction and laying of the railway track.

4. Given the said submissions by the Counsel appearing on either side, there seems to be no dispute so far as the land which has been acquired belonging to the petitioner and the land which is reflected to be land remaining with him, out of the total area which was in possession of the petitioner earlier.
5. If the contention of the standing counsel for the railway department is to be accepted then the whole issue can be resolved if the petitioner approaches the respondent No. 3 and 4 for getting the property if not demarcated till now, getting it demarcated again, and the remaining land as is reflected in paragraph 8.3, if it is not in possession of the petitioner, the possession be given of the same to the petitioner.
6. If it is found that the railway authorities are in possession of any area of land in excess of land which is reflected in column 3 of the chart given in paragraph 8.3 of the writ petition under the respective awards passed under the land acquisition proceedings, the said excess portion of land be reverted back to the petitioner.
7. Subject to the petitioner approaching the respondents No. 3 and 4, it is expected that they shall take an appropriate decision on the same at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
8. With the aforesaid observations/directions, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge