

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1480 of 2020**

Ganeshari Bai Wd/o Late Shri Chaitram Aged About 75 Years R/o Village Dhardei, Tahsil Patharia, District Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Mungeli, District Mungeli Chhattisgarh.
2. The Chief Executive Officer Zila Panchayat, Mungeli, District Mungeli Chhattisgarh.
3. The Sub Divisional Officer Pathariya, District Mungeli Chhattisgarh.
4. Tahsildar Pathariya, Tahsil Pathariya, District Mungeli Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

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

11/08/2020

1. The limited relief that the petitioner has sought for in the present writ petition is for an appropriate direction to the respondents to stop the construction of the road over the private property of the petitioner situated in khasra No. 79/9 measuring 2.11 acres over which the petitioner was cultivating earlier.
2. According to the counsel for the petitioner, the aforementioned property is a private land exclusively owned by the petitioner, however without proper demarcation of the property, the respondents authorities have started construction of the road under the MNREGA scheme. The further contention of the petitioner is that under the policy of MNREGA, the work has to be executed exclusively on

government land alone and not on any private land. The further contention of the petitioner is that inspite of the said policy under the MNREGA, the respondents have entered upon the private property belonging to the petitioner and are constructing the road and before entering upon the petitioner's property, there has been no acquisition proceeding drawn by the respondents, nor has the petitioner paid any compensation for the same.

3. Given the aforesaid factual matrix of the case, this Court is of the opinion that the writ petition can be disposed of directing the respondents to take an appropriate step, firstly verifying the fact whether the aforementioned property situated in khasra No. 79/9 measuring 2.11 acres is a private property belonging to the petitioner or not. On due verification of the same, the respondents should either deviate the construction of road from the said at the said area or the respondents should take appropriate steps for acquiring the said land for the construction of road in accordance with law and also pay the compensation to the petitioner which he would be entitled for.
4. Let the petitioner approach the respondent No.1 along with the copy of this order within a period of fortnight time from today, who in turn shall take an appropriate decision at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge