

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1558 of 2020

1. Shiv Narayan Singh, S/o Late Shri Kashiram, Aged About 65 Years,
R/o Village And Post Ladh, Police Station Pasan, District : Korba,
Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of
Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya,
Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh
2. Collector Korba, District : Korba, Chhattisgarh
3. Sub Divisional Officer, Podi Uproda, District : Korba, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. S. P. Kale, Advocate
For State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.08.2020

1. The grievance of the petitioner is that the petitioner had an
agricultural land situated at Khasra No. 1 /34 measuring 2.1850
hectare at village: Laad, in Patwari Halka No. 0020, Revenue
Inspection Board-1, Tahsil: Podi Uproda District: Korba.
2. According to the counsel for the petitioner, the said land was taken
over by the respondents-State in the course of construction of the
Bango Dam in the year 1995. According to the counsel for the
petitioner, the adjoining land to the petitioners property were also
taken over by the State by invoking provisions of Land Acquisition Act
and compensation was also paid. However, the petitioner was denied

the same and till date he has been running from pillar to post for the compensation of his acquired property. According to the counsel for the petitioner, he had Bhoomi Swami Right over the said property and he was entitled for the compensation of the same.

3. Given the said submission by the counsel for the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition by admitting the petition, rather ends of justice would meet, if the matter can be disposed off directing the petitioner to approach the Respondent No. 2 and 3 who in turn shall verify the submission of the petitioner and shall duly consider, whether any acquisition proceedings were initiated in-respect-of the aforesaid property? Whether the said property is a private owned property of the petitioner? Whether petitioner has been paid any compensation or any other person has been paid compensation against the said piece of land? And thereafter shall take appropriate steps immediately in this regard.
4. Let petitioner approach the Respondent No. 2 and 3 by way of a fresh detailed representation within a period of three weeks from today and the Respondent No. 2 and 3 shall take a positive decision after due verification of the facts within a further period of 4 months from the date of receipt of the representation of the petitioner.
5. This Court would definitely like to add at this juncture that once if the respondents decide to take over any land particularly private owned property, the only procedure or method of acquiring the same is by adopting the provisions of law applicable for acquisition of land. No person can be denied the rightful claim against the property owned

by him. The petitioner or similarly such persons stand protected under the provision of Article 300 (A) of the Constitution of India, which was earlier guaranteed under the fundamental rights under Article 31 of the Constitution.

6. With the aforesaid direction, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rahul