

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2055 of 2020

Rajmati Patel D/o Late Gajanand Patel Aged About 65 Years W/o Late Kamal Patel, R/o Village Nirtu, Police Station Koni, Tahsil Takhatpur, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

- 1.** Union of India Through Ministry of Road, Surface Transport And Highways, Through Its Secretary, Transport Bhawan, 1 Sansad Marg, New Delhi 110001.
- 2.** National Highways Authority Through Its Project Director, National Highway Authority Bilaspur, Project Executive Unit, Abhilasha Parisar , Tifra , Bilaspur Chhattisgarh.
- 3.** Collector Bilaspur, District Bilaspur Chhattisgarh.
- 4.** Prescribed Officer Cum Land Acquisition Officer (SDO Revenue) Kota, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Shashank Thakur, Advocate.
For Respondents 1&2	:	Shri Ramakant Mishra, Assistant Solicitor General.
For State	:	Mr. Anand Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2020

- 1.** The grievance of the petitioner in the present writ petition is the action on the part of the respondents in encroaching upon the private land belonging to the petitioner for the purpose of construction of Bilaspur-Katghora National Highway No.130 (Old number being N.H.111).
- 2.** According to the petitioner, the property situated in Khasra No.1214/2 at Village Nirtu, P.H. No.53, Revenue Circle Sakari, Tehsil Takhatpur was originally owned by one late Gajanand i.e. father of the petitioner. After death of said Gajanand the property was inherited by the petitioner and her sister namely Bhagmati. According to the petitioner, the respondents while initiating the acquisition proceedings under the National Highways Act had not notified the land of the petitioner for the purpose of construction/widening of the said National Highway. However, deviating

from the original plan the respondents have entered upon the private property of the petitioner and have constructed the road. However, though they have deviated and entered upon the private land of the petitioner, no acquisition proceedings by way of supplementary award or payment of compensation was passed or made to the petitioner.

3. The counsel for the petitioner further submits that vide Annexures P/4 and P/5, dated 18.04.2019 and 04.05.2019 the petitioner had approached the Sub Divisional Officer (SDO) as also the District Collector for redressal of their grievance, but though an year has passed, no response has been received from the side of the district administration. Meanwhile, the petitioner had also approached the office of the Tehsildar, who, in turn, vide his letter dated 13.08.2019 had asked the concerned Revenue Inspector for demarcating the property to ascertain whether the road infact is being constructed upon the petitioner's private land or not. Even after this letter of demarcation being issued by the Tehsildar as early as on 13.08.2019 no further development has taken place which has led to the petitioner approaching this court.
4. According to the petitioner, the act on the part of the respondents in entering upon the private property of the petitioner without complying with the statutory provisions of law and without payment of compensation whatsoever is completely in violation of the provisions of Article 300-A of the Constitution of India.
5. The petitioner further submits that as of now the limited grievance is that the authorities may measure the area of the land which has been occupied by the respondents for the purpose of construction and widening of the road and appropriate compensation under the provisions of the Act, 2013 be paid to the petitioner.

6. Given the limited grievance that the petitioner has, and also considering the fact that for effective redressal of the grievance of the petitioner, appropriate demarcation of the property would have to be done. Simultaneously, appropriate measurement of the property claimed to be the private property of the petitioner also would have to be done. These are duties and responsibilities which can be discharged only by the respondents.
7. Under the circumstances, this court is of the opinion that ends of justice would meet if the writ petition as of now stands disposed of directing the respondents No.2 to 4 to first ascertain whether the private property of the petitioner has been acquired for the purpose of construction and widening of the road or not. If it is found that the private property of the petitioner has been used by the respondents then appropriate steps should be taken immediately for demarcation and measurement and thereafter quantify the compensation payable to the petitioner in accordance with law under the provision of the Act, 2013.
8. Let this entire exercise be done by the respondents positively within a period of four months from the date of receipt of copy of this order.
9. With the aforesaid observation/direction, the writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge