

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2237 of 2020**

Laxmi Narayan Agrawal S/o Late Shri Jagannath Agrawal Aged About 63 Years R/o Baya Road, Village Lahrod, P.S. And Tehsil- Pithora, District- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. National Highway Authority Of India Ltd Through- Project Director, Raipur Unit, Raipur, District- Raipur, Chhattisgarh
2. State Of Chhattisgarh Through- The Collector, Mahasamund, District- Mahasamund, Chhattisgarh
3. The Land Acquisition Officer-Cum-Sub Divisional Officer, (Revenue)/competent Authority, Pithora, District- Mahasamund, Chhattisgarh
4. Tehsildar Pitara, District- Mahasamund, Chhattisgarh
5. National Highway Authority Of India Ltd., Through- General Manager (Technical) Cum- Project Director, Project Implementation Unit, Dhamtari, Block F- 5, Shivraj Greens, Sihava Road, Dhamtari, District- Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sufaraj Khan, Advocate
For State/Res.2,3 & 4	:	Mr. Sudeep Verma, Dy. GA
For Res. No.1 & 5	:	Mr. Ramakant Mishra, Advocate

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

13/10/2020

1. The grievance of the petitioner in the present writ petition is the alleged taking over of the privately owned property of the petitioner

by the respondents for the purpose of construction of National Highway between Aarang and Saraipali.

2. According to the petitioner he is the owner and title holder of the land bearing Khasra No.898/2 measuring 0.04 Hectares at village Lahroud, Tehsil- Pithora , District- Mahasamund.
3. According to the petitioner of the said property the respondents have encroached upon, 160 Square Meter of land for the construction of the aforesaid National Highway. He submits that the said land has been taken over without any acquisition proceedings being drawn, nor any compensation have been paid to the petitioner for the same.
4. At this juncture, Learned ASG submits that correspondences attached to the writ petition show that National Highway Authorities had submitted to the State Government of their non requirement of the said portion of land. However, still this is the matter of verification and that can be done only on demarcation of the property belonging to the petitioner, to assess and reach to the conclusion as to whether the property of the petitioner has been taken by the respondents in the course of construction of road or not?
5. Given the said submissions by the counsel appearing on either side, this Court is of the opinion that matter in fact in dispute only is in respect of whether in the course of construction of aforesaid National Highway, 160 Square Meter of the private property of the petitioner has been taken over by the respondents or not? This is clearly a fact which can be verified only on demarcation of the said property.
6. Accordingly, the writ petition stands disposed of at this juncture directing the respondent No.3 & 4 to ensure that the property of the petitioner situated at aforementioned Khasra Number is demarcated

and verified whether the road has been constructed on the said land or not. If the finding in the course of demarcation is that the portion of the land has been taken over by the respondents in the course of construction of road then respondent authorities are further directed to take necessary steps for the purpose of suitably compensating the petitioner by taking appropriate steps under the Acquisition Law.

7. Let demarcation part be done at the earliest preferably within a period of 60 days, thereafter further proceedings if any required may be concluded within a further a period of 120 days.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit