

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2330 of 2019

Dilip Kumar Koshale S/o Jagannath Koshale, Aged About 47 Years R/o Village Bhojpur, Tahsil Bilha, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary Department of Revenue, Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
2. Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. Competent Authorities (Land Acquisition)/Sub Divisional Officer (Revenue) Bilaspur District Bilaspur Chhattisgarh.
4. Executive Engineer, Public Work Department, National Highway Road Division Bilaspur, District Bilaspur Chhattisgarh.
5. Project Director, Indian National Highway Tribunal Project Acquisition Unit Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Lavkush Kumar Sahu, Advocate.
For Respondent-State	:	Shri Anand Verma, Dy. Govt. Advocate.
For Respondent No.5	:	Shri Dhiraj K. Wankhede, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.08.2020

1. The present writ petition has been filed seeking for relief of a direction to the respondents No.2 & 3 to consider the representation that the petitioner has filed on 24.06.2019 for releasing compensation with interest against the land belonging to the government which was acquired over which there was certain structure constructed by the petitioner.
2. Perusal of pleadings it appears that the petitioner had constructed a house/structure on a government land bearing Khasra No.228/5, situated at village Bhojpuri, P.H. No.14, Tehsil Bilha, District Bilaspur, which was subsequently acquired for the purpose of construction of N.H. 130 from Sargaon to Bilaspur. According to the petitioner, there is some amount of compensation awarded for the structure of the petitioner which got demolished in the course of construction and widening of the road.

3. The limited relief sought for by the petitioner is for a direction to the respondents No.2&3 to take a decision at the earliest ensuring release of the compensation as awarded by the authorities.
4. Learned counsel appearing for the respondent No.5 submitted that for the same piece of land there was already an award passed in favour of the petitioner for an amount of Rs.10,49,193/- vide award dated 05.01.2017 and therefore there could not have been a second award passed in this regard and the said amount of Rs.10,49,193/- have already been paid to the petitioner.
5. To this submission made by the counsel for the respondent No.5, the counsel for the petitioner submits that initially only half of the structure of the petitioner was demolished for the purpose of construction and widening of road, however, subsequently the remaining half of the portion also has been demolished and taken over by the respondents and that is why the authorities subsequently have passed another award for payment of compensation of Rs.7,24,439/- for which a direction be issued to the respondents to release the same at the earliest.
6. Be that as it may, since it is a question of verification of facts as to whether there are two awards passed for the same piece of land or not, whether the petitioner has been already compensated or not for the entire piece of land over which the petitioner was in possession. Therefore, this court is of the view that the ends of justice would meet if the respondents No.2&3 are directed to verify the claim of the petitioner to the extent as to whether the award earlier passed on 05.01.2017 is in respect of the entire property in possession of the petitioner; whether the subsequent award passed is also for the same piece of land and same piece of property and also

whether the petitioner has infact received the original awarded amount of Rs.10,49,193/-.

7. After due verification of all these facts, the respondents No.2&3 shall pass an appropriate order on the representation that the petitioner has made claiming for further compensation as awarded in his favour. Let the respondents No.2&3 take a decision at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
8. It is made clear that this court has not expressed any opinion on the merits of the case and it is expected that the respondents No.2&3 shall pass an order after due verification of records pertaining to the claim of the petitioner.
9. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder