

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2513 of 2020

1. Om Prakash Agrawal (H. U. F.) Through Its Karta, Shri Om Prakash Agarwal, S/o Late Shri R.R. Agrawal, Aged About 68 Years, R/o Omkuteer, Civil Line, Tahsil And District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. National Highway Authority Through Its Project Director, Indian National Highway Authority Raipur, Project Execution Branch, Shankar Nagar Raipur, District : Raipur, Chhattisgarh
2. Collector, Raipur, District : Raipur, Chhattisgarh
3. Land Acquisition Officer-cum-Sub Divisional Officer (Revenue) Raipur, District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For State	:	Mr. Raghvendra Verma, G. A.
For Resp. No. 1/NHAI	:	Mr. B. Gopa Kumar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.11.2020

1. The contention of the counsel for the petitioner is that the petitioner is the title holder and in possession of the land bearing Khasra No. 533/27 and 534/5-A admeasuring 0.826 hectares and 0.105 hectares respectively at Village:Siltara, P.H. No. 20, R.I. Circle-Dharsiva, District: Raipur, (C.G)
2. According to the counsel for the petitioner, the portion of the said land has been taken over by the respondents for the purpose of construction of a four lane road connecting Raipur to Bilaspur.

According to the counsel for the petitioner, the petitioner has been repeatedly approaching the authorities for appropriate demarcation of the said property and for proper compensation for the portion of land, if required by the respondents for the construction of the aforesaid road. According to the counsel for the petitioner, the petitioner has been approaching the authorities from September, 2017 onwards but till date, he has not received any compensation.

3. At this juncture, the learned counsel for the respondent no. 1 submits that from the pleading itself, it appears that the demarcation was done on an earlier occasion in the year 2012 and in the said demarcation, it was found that the land belonging to the petitioner was not acquired or taken by the respondents for the construction of the said road nor is there any road constructed on the said land belonging to the petitioner.
4. This fact is disputed by the counsel for the petitioner suggested that on earlier occasion, there was a boundary wall existing which was demolished by the respondents and have constructed the road over the said land, which can be verified /measured at any point of time.
5. Be that as it may, since the contention of the petitioner is that the property is a privately owned property which is alleged to have been taken over by the respondents for the construction of the National Highway connecting Raipur to Bilaspur, as has been suggested by the learned State counsel that the property can be demarcated and the issue can be resolved. This Court also is of the view that let the petitioner approach the State authorities for getting his property duly

demarcated. On such application being moved, the respondents authorities are required to conduct proper demarcation of the said property and submit a report, whether on the property belonging to the petitioner :- the respondents have constructed any road or not and whether the property still in possession of the petitioner or not? Based upon the said demarcation report, the respondent authorities shall proceed further and take appropriate steps in-accordance-with law ensuring that if the petitioner's land has been taken over for the purpose of construction of road then steps for suitably compensating the petitioner should be done at the earliest within a period of 120 days from the date when the demarcation report is submitted.

6. With the aforesaid direction, the present writ petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**