

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 3008 of 2020

- Shrawan Kumar Kashyap S/o Mandari Kashyap, Aged About 51 Years R/o Bajrangpara Jarhagaon Police Station Jarhagaon District Mungeli Chhattisgarh
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Public Works Department Mahanadi Bhavan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Engineer In Chief, P.W.D. / National Highway, Sirpur Bhawan, Near Kali Mandir, Via Governor House Road, Raipur Chhattisgarh. Pin Code 492002
3. Collector, Mungeli Chhattisgarh
4. Sub - Divisional Officer (Revenue) Mungeli District Mungeli Chhattisgarh.
5. Executive Engineer, National Highway Division Bilaspur, District Bilaspur Chhattisgarh.
6. Union Of India Through Secretary Ministry Of Road Transport And Highways New Delhi,
---- **Respondents**

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For State	:	Mr. Gagan Tiwari, G.A.
For Respondent No. 6	:	Mr. Tushar Diwan on behalf of Mr. Ramakant Mishra

Hon'ble Shri Justice Goutam BhaduriOrder on Board**11.12.2020**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner is the owner of the land bearing Khasra No. 720 at Jarhagaon Mungeli wherein his house is constructed. He refers to Annexure P/3 which is a document to show that the ownership of the land vests with the petitioner. He also refers to the revenue map wherein the Khasra No. 720 is demarcated. It is further contended that without appreciating this fact, the petitioner has been stated that he is the encroacher of a Government land whereas it is factually incorrect. It is

submitted that the respondents, as per the list Annexure P/5, are going to takeover the property situated over Khasra No. 720 without being its legally acquired.

3. Perused the documents. Perusal of Annexure P/3 records the name of the petitioner as the owner in respect of land bearing Khasra No. 720 and the revenue field map is also attached along with it which shows the area of Khasra No. 720. If the petitioner is the owner of a particular land bearing Khasra No. 720, then the said cannot holding be generalised that he has encroached upon the government land as his name appears in Annexure P/5 which is the list of the persons whose possessions are to be removed as encroachers.
4. Under these circumstances, I do not find any reason to keep this petition pending, therefore it is directed that before the widening of the National Highway, the respondent authorities shall demarcate the ownership of land of the petitioner and if the Highway passes through the land of the petitioner, then in such case the appropriate proceeding for land acquisition shall be initiated and completed within a reasonable time. If the petitioner's land is sought to be acquired, then the adequate compensation should also be paid to the petitioner as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner shall not be forcefully dispossessed without ascertaining the aforesaid facts.
5. With the aforesaid direction/ observation, the writ petition stands disposed off.

sd/-

(Goutam Bhaduri)

JUDGE