

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 4 of 2020

Smt. Ganga Bai Sonkar, D/o. Late Shriram Sonkar, Aged About 63 Years, R/o. Village - Amleshwar, Revenue Circle, Bhila - 3, P. C. No. 5, District - Durg (C.G.) , Through her son and Holder of Authority Letter, Rakesh Sonkar, S/o. Ramu Sonkar, Aged About 40 Years, R/o. Shanti Chowk, Purani Basti Raipur, District - Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : Collector, Durg, District - Durg Chhattisgarh.
2. Sub Divisional Officer, Public Works Department, Sub Division Patan, District - Durg Chhattisgarh.

-----Respondents

For Petitioner : Mr. Uttam Pandey, Advocate

For Respondents/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/02/2020

1. This petition has been brought under Article 227 of the Constitution of India by the petitioner for the reason that her application for amendment filed before the Collector, Durg in land acquisition case has not been decided so far.
2. A piece of land under the ownership of the petitioner was acquired in the land acquisition proceeding and has agreed that

the petitioner was to receive another piece of land in exchange from the respondents side. Since the year 1982 the matter of exchange of land is pending in which no action has been taken, therefore, the petitioner intending to give her claim for the land in exchange, filed an application for amendment praying that now she is only claiming compensation for the land that was acquired from her by the respondents. After filing of that application on 18.07.2019, the same has been kept pending by the respondents, therefore, it is prayed that specific direction be issued to the respondents to consider and decide her application for amendment in her claim and award compensation to the petitioner as soon as possible in the interest of justice.

3. State counsel appearing for the respondents opposes the petition and the submission made in this respect. It is submitted that the respondents authorities are doing their duty and time is required in the proceeding, which are pending before them, therefore, there is no need for issuance of any direction.
4. I have heard the learned counsel for both the parties and perused the documents placed on record.
5. After considering on the submission made by the counsel from both the sides and also perusing the documents, which are present on record of the petition, I am of this view that a direction can be issued to the respondents for expeditious disposal of the matter of acquisition pending before them relating to the petitioner. Therefore, the petition is disposed off at motion stage.

The respondents are directed to consider and decide the application of the petitioner filed under Order 6 Rule 17 of the C.P.C. within a month from the date this order is passed and also they are directed to expeditiously decide the matter pending before them relating to the petitioner regarding acquisition of land, which has taken place in the year 1982.

6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram