

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 12 of 2020

Smt. Panchmati Nishad W/o Anand Nishad, Aged About 70 Years R/o Village Pendri (S), Tahsil Pathariya District Mungeli Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Secretary, Department of P.W.D. Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
- 2.** Collector, Mungeli, District Mungeli Chhattisgarh.
- 3.** Land Acquisition Officer/ Sub Divisional Officer (Revenue), Pathariya, District Mungeli Chhattisgarh.
- 4.** Chief Executive Officer, Mukhyamandi Sadak Yojna Mungeli District Mungeli Chhattisgarh.

---Respondents

For Petitioner	:	Shri Mahendra Kumar Sahu, Advocate.
For State	:	Shri Somkant Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.01.2020

- 1.** The present writ petition has been filed seeking for a direction to the respondents for paying suitable compensation for the land which is said to have been taken over by the respondents for the purpose of construction of road under the scheme "Mukhyamantri Gram Sadak Yojna". It is said that the petitioner's land has been taken over on Pendri (S)-Khaira-Ghutiya road.
- 2.** Perusal of record would show that there is a specific order dated 16.11.2019 passed by the Executive Engineer, Rural Development Department whereby they have specifically held that no portion of the private land belonging to the petitioner has been acquired for construction of road. This order dated 16.11.2019 has not been challenged by the petitioner anywhere.

3. Given the said facts, this court is of the opinion that it would not be proper at this juncture to entertain the writ petition. The proper course available to the petitioner would be to first get his property demarcated and in the course of demarcation if it is found that the property of the petitioner has been taken over by the respondents for the purpose of construction of road, then the petitioner may approach the State authorities for grant of compensation so far as portion of land over which road has been constructed or the land which has been taken over by the State for construction of the road.
4. Reserving aforesaid liberty in favour of the petitioner, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder