

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 113 of 2021

Sukhmaniya W/o Vijay Kant Aged About 48 Years Cast - Kanwar
R/o Village Dumarkhorka P.S. And Tahsil Balrampur District
Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
3. The Collector Balrampur District Balrampur District Balrampur Ramanujganj Chhattisgarh.
4. Tahsildar, Balrampur District Balrampur Ramanujganj Chhattisgarh.
5. Chief Executive Officer Zila Panchayat Balrampur District Balrampur Ramanujganj Chhattisgarh.
6. Chief Executive Officer Janpad Panchayat Balrampur District Balrampur Ramanujganj Chhattisgarh.
7. The Secretary Of Gram Panchayat Dumarkhorka Janpad Panchayat Balrampur District Balrampur Ramanujganj Chhattisgarh.
8. Smt. Meena Devi Sarpanch Of Village Panchayat Dumarkhoraka Janpad Panchayat Balrampur District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For petitioner – Shri A.N. Pandey, Advocate.
For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/01/2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner is the owner of land bearing khasra Nos.174/2, 174/4, 175/2, 175/4, 176/2,

176/4, 177/2, 177/4, 183/2, 183/4 situated at Patwari Halka No.20, village Dumarkhoraka, Tahsil Balrampur which was purchased by a registered sale deed 30/03/2006 & 22/05/2007. The Chief Executive Officer, Zila Panchayat, Balrampur has ordered for construction of Panchayat Bhawan and Godown over the land of the petitioner, despite the fact the petitioner had raised objection. The petitioner therefore has made an application to the Tehsildar for demarcation of her land and the Tehsildar though has directed for demarcation of the land to the Revenue Inspector, Balrampur and Patwari Balrampur by Annexure P-7 dated 6/11/2020 the same is not complied with and thereby the petitioner's land is being taken away without payment of fair compensation to her. The petitioner submits that therefore the construction may be stopped.

2. Perusal of the document shows that by letter Annexure P-7 dated 6/11/2020 the Tehsildar, Balrampur has already ordered to the Revenue Inspector, Balrampur and Halka Patwari No.30 to demarcate the land of the petitioner. If the land of the petitioner is being used and she has been dispossessed otherwise than in due course of law, then only by demarcation of the land the said facts can be established, therefore Revenue Inspector, Balrampur and Halka Patwari No.30, Balrampur is directed to comply the order of the Tehsildar dated 6/11/2020 within a further period of two months. Considering the nature of construction so made, I do not find appropriate to stop the construction at this stage as it has already been considerably made. However, it is made clear that if it is found that the land of the petitioner is being used for construction of Government Panchayat Bhawan and Godown, then in such case the petitioner shall be entitled for the adequate compensation and proceeding for compensation shall be carried out. It is further observed that if it is

found that after demarcation such construction has been made over the land of the petitioner without any lawful authority, then the proceeding for acquisition of the land under the compensation act shall be commenced and adequate compensation be paid to the petitioner as early as possible.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE