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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 468 of 2020**

Sona Infra Projects Pvt. Ltd., Raipur Chhattisgarh. Through : Mahadeo Prasad Agrawal, S/o. Late Shri Ramkaran Agrawal, aged about 76 years, R/o. Jutemill Road, Infront Of Masjid, Raigarh, District and Tehsil Raigarh Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. State of Chhattisgarh, Through : Principal Secretary, Housing and Environment Department, Naya Raipur , District Raipur Chhattisgarh.
3. State Of Chhattisgarh, Through Commissioner , Chhattisgarh Housing Board, Registered Office at Paryawas Bhavan, Sector - 19, North Block, Nava Raipur, Atal Nagar District Raipur 492002.
4. State Of Chhattisgarh, Through : Chairman, Chhattisgarh Housing Board Registered Office At Shankar Nagar, Raipur, District Raipur Chhattisgarh.
5. Deputy Commissioner Circle Bilaspur Chhattisgarh Housing Board, Bilaspur, Registered Office at Nehru Nagar, Bilaspur, District and Tehsil Bilaspur Chhattisgarh.
6. Executive Engineer Chhattisgarh Housing Board, Registered Office at North Chakradhar Nagar Near Stadium Raigarh Chhattisgarh.
7. The Collector Raigarh, District Raigarh, Chhattisgarh.
8. The Sub Divisional Officer (Revenue), Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Hemant Kumar Agrawal, Advocate
For Respondents/ State	: Mrs. Astha Shukla, P.L.
For Respondent No.3 to 6	: Mr. Anumeh Shrivastava, Advocate

Hon'ble Shri Rajendra Chandra Singh Samant

Order on Board

01.12.2021

Heard

1. It is submitted that the petitioner is the registered sole proprietorship firm and also authorized developers and builders. The respondents No.3 to 6 were developing Atal Vihar Yojana at Kotra Road, Raigarh. The petitioner was proposed by the respondent No.6 that the land for the approach road be provided by the petitioner. The petitioner agreed and exchange deed was executed between the petitioner and the respondent No.6 on 08.02.2013 at Raigarh and the respondent No.6 agreed to pay a sum of Rs.5.13 Lakhs to the petitioner. The respondent No.6 taken possession of the land of the petitioner and made use of the same. The petitioner has not been paid any money according to the agreement. The petitioner has made representation but no decision has been taken nor any payment has been made to the petitioner. Hence, this petition has been filed making prayer that the writ be issued against the respondents for making payment of compensation to the petitioner of Rs.5.13 lakhs along with compound interest and other damages.
2. It is submitted by the learned counsel for the petitioner that in the documents Annexure R-2/2, along with reply submitted by the respondents No.3 to 6, it is mentioned that land for the approach road has been obtained from the petitioner without the approval of the board and the amount of compensation of Rs.5.13 lacks has to be recovered from Shri S.K. Gupta, retired Executive Engineer, which shows admission of the respondent No. 3 to 6. It is further submitted that the documents Annexure R-2/4, amount of Rs.5.13 lakhs has

been deducted from the retiral dues of Shri S.K. Gupta, retired Executive Engineer even then the same has not been paid to the petitioner. Hence, it is prayed that the appropriate orders be passed.

3. Learned State counsel opposes the petition and the submissions made in this respect.
4. Learned counsel for the respondents No.3 to 6 opposes the submissions and it is submitted that delay has been explained in the reply submitted by the respondents No.3 to 6. Although deductions have been made from the retiral dues of Shri S.K. Gutpa, retired Executive Engineer but the procedure is pending. Hence, the payment will be made to the petitioner as soon as the procedure is completed.
5. Considered on the submissions and perused the documents placed on record. It is undisputed that the land of the petitioner was utilized by the respondent No.3 to 6 on the basis of exchange deed dated 08.02.2013. It is also not disputed by the respondents that the amount as agreed as consideration for exchange has not been paid to the petitioner so far. The respondents No.3 to 6 were duty bound to make all the payment of consideration for the land received in exchange promptly, but the same has not been done and the pretext being taken regarding presence of some dispute. As it has been already held by the respondents No.3 to 6 that the payment of the consideration/compensation to the petitioner had been due because of the negligence of Shri S.K. Gupta, the then Executive Engineer, the amount has also been recovered from his retiral dues. Therefore, there appears to be no reason that the amount should be withheld on pretext of some proceeding. Hence, this petition is disposed off at motion stage. The respondents No.3 to 6 are directed to make

payment to the petitioner the amount of Rs.5.13 Lakhs within a time limit of 30 days from today. The petitioner is also granted liberty to make representation, before the respondents No.3 to 6 for grant of interest on the amount, which was due to be paid since the year 2013. the respondents No.3 to 6 are directed to consider his representation and take decision at the earliest.

6. With these observations, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge