

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1009 of 2021**

- Chaturbhuj Kanwar S/o. Late Shri Bhagwat Kanwar, Aged About 50 Years R/o. Village- Parsapali, P.S. And Tahsil- Pithora, District- Mahasamund (Chhattisgarh) ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Naya Raipur, District- Raipur (Chhattisgarh)
2. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, District- Raipur (Chhattisgarh)
3. Collector / Land Acquisition Officer Mahasamund, District- Mahasamund (Chhattisgarh)
4. Sub-Divisional Officer (Revenue) Pithora, District- Mahasamund (Chhattisgarh)
5. Tehsildar Pithora, District- Mahasamund (Chhattisgarh)
6. Executive Engineer Public Works Department (Setu Nirman) Division Raipur, District- Raipur (Chhattisgarh)
7. Sub-Divisional Officer Public Works Department (Setu Nirman), Sub-Division Mahasamund, District- Mahasamund (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23/02/2021**

1. Heard.
2. Learned counsel for the petitioner submits that the land of the petitioner bearing Khasra No. 669 at Village Parsapali RI Circle Janghora Tehsil

Pithora Distt. Mahasamund was used for construction of a road. The part of the said land was used and the acquisition was being made under a mutual purchase. Since the petitioner belongs to Scheduled Tribe community, as such, the permission under Section 165(6) of the Land Revenue Code 1959 was required. Consequently, a proceeding drawn on 23.07.2018 (Annexure P/1) wherein the grant of permission is under consideration. He submits that the said proceeding may be directed to be concluded within a time frame inasmuch as the land is already been acquired by the respondent authorities for construction of the road and the road has been constructed.

3. Considering the documents which are filed along with the petition, it appears that the road has been constructed over a part of the land of the petitioner and since the acquisition was made under the mutual purchase, in order to execute the deed of sale the permission was sought under Section 165(6) of the Code 1959. The said proceeding though commenced in the year 2018 it appears from the last order-sheet dated 22.07.2020 that the same has not been concluded. Considering these facts, the respondent No. 4 Collector/Land Acquisition Officer Mahasamund is directed to conclude the proceeding of Section 165(6) of the Code 1959 in the background of the facts within a period of 60 days from the date of receipt of copy of this order.

4. With the above direction/observation, this writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge