

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1008 of 2021

- Jeevanlal Bhariya, S/o Sh. Chhabbu, Aged About 60 Years R/o. Bandhamuda, Tikarkala, Ahiamtola, District Gorela Pendra Marwahi (Chhattisgarh), District : Gorela-Pendra-Marwahi, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The District Collector, Collectorate, District Gorela Pendra Marwahi (Chhattisgarh), District : Gorela-Pendra-Marwahi, Chhattisgarh
3. Sub Divisional Officer, Public Works Department, Division Pendra Road, District Gorela Pendra Marwahi (Chhattisgarh), District : Gorela-Pendra-Marwahi, Chhattisgarh
4. Sub Divisional Officer (Revenue) And Land Acquisition Officer, Revenue Department Pendra Road, District Gorela Pendra Marwahi (Chhattisgarh), District : Gorela-Pendra-Marwahi, Chhattisgarh
5. Executive Engineer, Public Works Department, Division Pendra Road, District Gorela Pendra Marwahi Chhattisgarh., District : Gorela-Pendra-Marwahi, Chhattisgarh
6. Tehsildar, Tehsil Pendra Road, District Gorela Pendra Marwahi (Chhattisgarh), District : Gorela-Pendra-Marwahi, Chhattisgarh

---- Respondents

WPC No. 1115 of 2021

1. Aasharam Sonwani S/o Sh. Sh. Shukul Sonwani Aged About 57 Years R/o Ward No. 14, Bandhamuda, Gorela Pendra Road, District Gorela Pendra Marwahi Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The District Collector Collectorate District Gorela Pendra Marwahi Chhattisgarh
3. Sub Divisional Officer Public Works Department, Division Pendra

Road, District Gaurela Pendra Marwahi Chhattisgarh

4. Sub Divisional Officer (Revenue) And Land Acquisition Officer Revenue Department Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh
5. Executive Engineer Public Works Department, Division Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh
6. Tehsildar Tehsil Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh

---- Respondents

WPC No. 1116 of 2021

1. Rajendra Prasad Kesharwani S/o Sh. Late Sh. Sitaram Kesharwani Aged About 59 Years R/o Post Khodari, District Gaurela Pendra Marwahi Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The District Collector Collectorate District Gaurela Pendra Marwahi Chhattisgarh
3. Sub Divisional Officer Public Works Department, Division Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh
4. Sub Divisional Officer (Revenue) And Land Acquisition Officer Revenue Department Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh
5. Executive Engineer Public Works Department, Division Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh
6. Tehsildar Tehsil Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh

---- Respondents

WPC No. 1131 of 2021

1. Savitri Tiwari D/o Sh. Radhesyam Tiwari Aged About 52 Years R/o Village And Post Khodari, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The District Collector Collectorate, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh
3. Sub Divisional Officer Public Work Department, Division Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh
4. Sub Divisional Officer (Revenue) And Land Acquisition Officer Revenue Department Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh
5. Executive Engineer Public Works Department, Division Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh
6. Tehsildar Tehsil Pendra Road, District Gaurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Ravindra Sharma on behalf of Mrs. Madhunisha Singh, Advocate.
For State	:	Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/11/2021

Heard.

1. Petitioners in all the cases are before this Court as they have been denied compensation against the acquisition of the land in their ownership under the provision of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act, 2013').
2. It is submitted by the counsel for petitioners that the land of the petitioners in all the cases were acquired for the purpose of widening of Gaurela-Gorakhpur Bypass(Tikarakala Bypass) in the year 2016.

The road has been constructed and the land acquired from the petitioners has been used for the construction of road. No compensation case has been initiated and neither any compensation has been determined in favor of the petitioners. The petitioners made representations before the respondent No.4 regarding non-receipt of compensation for the land acquired from them. Respondent No.4 has by issuing a memo dated 31.8.2019 directed the respondents No.5 & 6 to make an inquiry and initiate supplementary compensation case at the earliest. In that process, the Patwari made the spot inspection and submitted report on 10.10.2019, confirming that the land of the petitioners in all the cases have been acquired for the construction of Bypass road. Subsequent to that nothing has been done to initiate any compensation proceeding for grant of compensation to the petitioners, therefore, it is prayed that the respondent authorities may be directed to determine compensation by drawing up compensation cases against the petitioners and grant compensation to the petitioners at the earliest.

3. Learned State counsel makes formal objection.
4. Considered on the submissions.
5. Perused the documents filed along with the petitions. As it is not disputed, that the land of the petitioners have been acquired for widening and construction of the Bypass road. Till date, they had received any compensation for the same. It also appears to be not disputed that so far any compensation case has not been drawn and decided by the respondent authorities with respect to the acquisition made of the land belonging to the petitioners, therefore, there appears to be requirement of issuance of direction.
6. Hence, the petitions are disposed off at motion stage. Respondents

No.4 & 6 are directed to initiate the compensation cases with respect to the determination of compensation in favor of the petitioners at the earliest and after following due procedure of law complete the proceedings in all the cases within 6 months by determining compensation in favor of the petitioners and also by ensuring that the compensation is paid to all the petitioners.

7. With these observations, all the petitions are disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge