

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1147 of 2021

Dwarika Prasad Agrawal, S/o. Shri Prahlad Rai Agrawal, Aged About 64 Years, R/o. Akash Traders, Near Bus Stand Near Sindhu Bhawan, Bilha, District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary To The Govt. Of Chhattisgarh, Department Of Revenue And Disaster Management Mahanadi Bhawan, Atal Nagar, Police Station Rakhi, Raipur Chhattisgarh.
2. The Collector, Bilaspur, District Bilaspur, Chhattisgarh.
3. The Sub Divisional Officer (Revenue) -Cum- Land Acquisition Officer Bilha, District Bilaspur Chhattisgarh.
4. The Executive Engineer, Department Of Irrigation Division Kota, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anurag Dayal Shrivastava, Advocate
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For State	:	Ms. Shreya Mishra, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.02.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner is the title holder of a land bearing Khasra No.54/21 situated at Tahsil Bilha, District Bilaspur. The earlier area of the land was measuring 0.76 acre out of that 0.19 acre were acquired under the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act of 2013 (*for short "the Act, 2013"*) under the scheme of Arpa Bhaisajhar Bairaj Pariyojana. He would submit that though 0.19 acre were acquired but in actual the respondents have taken over more than land. He would submit that under the award which is filed herein as Annexure P-5 dated 25.01.2017 only 0.19 acre of land were acquired, therefore, in order to ascertain the quantum of

the acquired land 0.19 acre which has been acquired may be demarcated.

2. Perusal of the award dated 25.01.2017 (Annexure P-5) would show that 0.19 acre land were acquired for the project Arpa Bhaisajhar Bairaj Pariyojana under the Act, 2013. If it is the grievance of the petitioner that apart from the acquired land of 0.19 acre, the respondents are actually using more than that land and the petitioner is deprived then such ambiguity requires to be settled at rest. Accordingly, it is directed that the respondents No.3 & 4 along with the R.I. shall demarcate the proportion of the land, which is acquired under the land acquisition admeasuring 0.19 acre at Bilha and the petitioner shall also be allowed to participate during such demarcation proceeding and shall be entitled for the demarcation report.
3. With such observation, subject to further right which may or may not accrue to the petitioner, the petition is disposed of. The demarcation be carried out within an outer limit of 90 days from the date of receipt of a copy of this order.

Sd/-
(Goutam Bhaduri)
Judge

Aks