

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1401 of 2021

Khuriyas Xalxo S/o Nainsukh Xalxo Aged About 47 Years R/o Village Bansbahar, Post Chongribahar, Tahsil Kansabel, District Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur, Chhattisgarh
2. The Collector, District Jashpur Chhattisgarh
3. The Sub Divisional Officer (Revenue) Bagicha District Jashpur Chhattisgarh
4. The Executive Engineer Public Works Division, Jashpur District Jashpur Chhattisgarh

---- Respondents

For petitioner – Shri Manoj Chauhan, Advocate.

For State – Shri P. Acharya, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

09/03/2021

Heard.

1. Learned counsel for the petitioner submits that the petitioner is land holder at village Bansbahar. He is the owner of the land bearing Khasra No.177, 308/2 & 178/2 R.I. Circle Kansabel, Tahsil Bagicha, District Jashpur. He would submit that the State Highway is being constructed and widening of road is being done on the route Bandarchuvan – Farsabahar. He would submit though the land of the petitioner is being acquired by force, neither the compensation is paid nor any proceeding for compensation is drawn. Therefore, the respondent authorities may be directed to acquire the land in accordance with law.
2. It has been contended that the land of the petitioner is being acquired for widening / construction of the road in between Bandarchuvan-Farsabahar. If the

land is acquired without any lawful acquisition it will offend to Article 300A of the Constitution. In view of this, considering the limited prayer of the petitioner, the respondent No.2, 3 & 4 are directed to demarcate the land of the petitioner and if it is found that the said land falls within the ambit of the affected area of construction of road then in such case the proceeding for acquisition of the land be made in accordance with law and thereafter the adequate compensation be paid to the affected person. The said process be completed within the outer limit of six months.

3. With the aforesaid observation, the petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE