

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1714 of 2021**

- Tankar Das Vaishnav S/o- Shri Vishnu Prasad Vaishnav Aged About 45 Years
R/o- Village And Post- Barbanda, Tahsil- Dharsiwa, District- Raipur
(Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Work Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (Chhattisgarh)
2. The Secretary Department Of Revenue And Calamity Management, mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (Chhattisgarh)
3. Chief Engineer Public Work Department, National Highways Division, Raipur, District- Raipur (Chhattisgarh)
4. The Collector Raipur, District Raipur (Chhattisgarh)
5. Sub Divisional Officer (Revenue) Public Work Department (Bh. / S.), Sub-Division No. 2, Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Shri Sakib Ahmad, Advocate

For Respondents/State : Ms. Sunita Jain, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****25/03/2021**

1. Learned counsel for the petitioner submits that the petitioner is land holder at village Barbanda. He is the owner of the land bearing Khasra No.96/1 admeasuring 0.101 acres at village Barbanda, Tahsil Sargaon, District Raipur. He would submit that the State Highway is being constructed and widening of road is being done on the route Mandhar to Pathari Marg. 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 Mandhar to Pathari Marg, 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

Ashu