

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1665 of 2021

Hemant Bhardwaj S/o Shri Ghasiraam Bhardwaj Aged About 35 Years R/o L I C Colony, Isha Fancy Store, Mova, Police Station Pandari District Raipur Chhattisgarh. **---- Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Revenue, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Housing Development Board through Commissioner, Commercial Campus, Sector 8, Saddu, Raipur Chhattisgarh
3. Competent Officer (Land Acquisition) Sub Divisional Officer, Raipur Chhattisgarh
4. Tahsildar Tahsil Dharsiva, District Raipur Chhattisgarh ---
Respondents

For the Petitioner : Mr. Ashutosh Pandey, Advocate

For the State-Respondents : Mr. Richa Shukla, Dy. Govt. Advocate

For respondent No.2 : Mr. Sanjay Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2021

1. Learned counsel for the petitioner would submit that the petitioner was allotted the house by Housing Board, which was demolished for widening of the national highway without giving any compensation. Subsequently the compensation was deposited and eventually as the money is lying with the State Government as on today, which is in turn to be transferred to the Housing Board so that the money can be given to the petitioner or the money can directly be given by the State Government to the petitioner by way of compensation.
2. A perusal of the record shows that in earlier round of litigation this Court has passed the order in WPC No.3695/ 2019 on 22.10.2019 which reads as under:

“1. The present writ petition has been filed seeking appropriate direction to the respondents to allot separate house under 'Atal Awas Yojana' in the village Kurra against the house which was earlier allotted by respondent No. 2 to petitioner and which has subsequently been demolished on account of acquisition made by the Government for widening of the National Highway.

2. Contention of the petitioner is that the petitioner has till date neither been given alternate house by respondent No.2 Board nor has he been released compensation on account of loss of residential house.

3. Counsel appearing for respondent No.2 Board submits that so far as the compensation part is concerned, the same has to be received from the State Government and respondent No.2 Board shall ensure that the entire compensation payable shall be deposited before the concerned authority under the State Government at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. The petitioner would be at liberty to claim the said compensation from the concerned authority in the State Government.

4. So far as the allotment of alternate house to the petitioner is concerned, the contention of the learned counsel for the Board is that the Board as of now does not have any vacant house available at the said locality where the petitioner was earlier allotted house and therefore, the Board at this juncture is finding it difficult to allot alternate house to the petitioner. However, the petitioner would be entitled for the appropriate compensation for loss of house.

5. Given the said facts and circumstances of the case, this Court is of the opinion that since there was no specific understanding between the parties or a written agreement between the parties or a particular scheme framed by the respondent so far as granting alternate accommodation to the petitioner is concerned, this Court is of the opinion that petitioner at best would be entitled for the compensation alone that he is entitled for.

6. Contention of the petitioner is that it has been now more than 3 years that petitioner has been denied both the houses at the first instance and compensation at the second instance and therefore the petitioner should be suitably compensated by way of awarding appropriate interest.

7. Given the said facts and circumstances of the case and also considering the fact that petitioner has been put to loss of his investment made long ago in the allotment of the house to the respondents and now that the house which was built in the name of petitioner has been demolished for widening the road, the petitioner was supposed to be paid appropriate compensation promptly with which he could purchase a separate house immediately. Now when the petitioner go for purchase of a fresh house they will have to pay the market price prevailing today which definitely by now must have been increased manifold by passage of time.

8. Given the facts, this Court is of the opinion that respondents would consider payment of interest to the petitioner at the rate of 6% per annum from the date of acquisition of the property in which the house of the petitioner was, till the date of actual

payment is made. Let steps be taken by the respondents in this regard at the earliest.

9. With the aforesaid observations, the writ petition stands disposed of”.

3. In view of the fact that this court's order dated 22.10.2019 has not been acted upon till date, the respondents are directed to comply with the same within a further period of 90 days from the date of receipt of this order.
4. With the above observations/direction, this writ petition stands disposed.

**Sd/-
GOUTAM BHADURI
JUDGE**