

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 1999 of 2021

1. Ashok Kumar S/o Kaliram Aged About 45 Years
2. Maniram S/o Sukhiram Aged About 66 Years
3. Harnarayan S/o Karmharam Sahu Aged About 46 Years
4. Abheram S/o Dhaniram Aged About 51 Years
5. Patalu S/o Daras Ram Aged About 65 Years
6. Manoj Kumar S/o Kanhaiya Lal Sahu Aged About 48 Years
7. Ram Kumar Sahu S/o Kanhaiya Lal Sahu Aged About 44 Years
8. Pitambar Sahu S/o Chamru Sahu Aged About 69 Years
9. Umashankar S/o Jogiram Aged About 48 Years
10. Tarachand S/o Jogiram Aged About 45 Years

All are R/o. Village Chisda Tahsil Jaijaipur, District- Janjgir-Champa (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Raipur, District- Raipur (Chhattisgarh)
2. Collector of District Janjgir-Champa (Chhattisgarh)
3. Sub-Divisional Officer Cum Land Acquisition Officer Sakti, District- Janjgir-Champa (Chhattisgarh)
4. Executive Engineer, Public Work Department Champa Division, Champa, District- Janjgir-Champa (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

30.06.2021

Heard

1. Learned counsel for the petitioner submits that the petitioners are land holders of village Chisda. They are the owner of the land bearing Khasra No.67/4 admeasuring 0.10 acre, Khasra No.2248 admeasuring 0.12 acre, Khasra No.2340/5 admeasuring 0.01 acre, Khasra No.2326/9 admeasuring 0.10 acre, Khasra No.2326/10 & 2326/12 admeasuring 0.10 & 0.09 acre, Khasra No.2343/2 admeasuring 0.09 acre, Khasra No.64/2 admeasuring 0.17 acre, Khasra No.90/4 admeasuring 0.06 acre and Khasra No.92/2, 73/2 admeasuring

0.04, 0.20 acre respectively at village Chisda, Tahsil Jaijaipur, District Janjgir-Champa. He would submit that the State Highway is being constructed and widening of road is being done on the route Basantpur to Ghoghari. He would submit though the land of the petitioners are 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 petitioners are being acquired for widening / construction of the road in between Basantpur to Ghoghari, 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 petitioners, the respondent No.2, 3 & 4 are directed to demarcate the land of the petitioners 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

Aks