

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1861 of 2021**

1. Dhaniram Jaiswal S/o Shri Radhe Lal, Aged About 55 Years R/o. Village Birkoni, Block Pathariya, District Mungeli Chhattisgarh.
2. Bhagirathi S/o Shri Dashru, Aged About 75 Years R/o. Village Birkoni, Block Pathariya, District Mungeli Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Water Resource, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.,
2. The Secretary, Department Of Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Engineer - In - Chief, Water Resource Department, Shivnath Bhawan, Atal Nagar Raipur, Chhattisgarh
4. Collector Mungeli, District Mungeli Chhattisgarh
5. Sub Division Officer (R) Pathariya, Block Pathariya, District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Jeet Patel, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****08.04.2021**

1. Heard.
2. Learned counsel for the petitioner submits that the land of the petitioners bearing Khasra No. 156 ad-measuring area 0.3640 Hectares and Khasra No. 157 ad-measuring 0.49 Hectares was affected by the project of 'Maniyari Nadi Birkoni Anicut Project' and the Anicut was constructed but despite several efforts made by the petitioners, the compensation has not been paid to them though the petitioners were deprived to use the said part of the land. Under

these circumstances, lastly the petitioners made an application to the SDO Block Pathariya Distt. Mungeli on 01.03.2021 so as to forward their case for compensation however the same has not been considered till date.

3. In any case if the land of the petitioners is affected for construction of Anicut then certainly their grievance is required to be considered. Under these circumstances, the petitioners are given a liberty to make a representation to the respondent No. 5 Sub Divisional Officer Block Pathariya Distt. Mungeli within a period of four weeks and on such a representation being filed, the respondent No. 5 shall carry out the demarcation of the land of the petitioners within an outer limit of 60 days from the date of receipt of the representation so as to ascertain the fact that whether the petitioners would fall under the affected category. After the said demarcation, if it is found that the land of the petitioner is affected for the reason of construction of the Anicut then in such case the proceeding for payment of compensation be carried out in accordance with law as early as possible.
4. With the above direction/observation, this writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge