

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 790 of 2017

Amit Pal Singh Tuteja S/o Jaspal Singh Tuteja, Aged About 38 Years,
Occupation Bussiness, R/o Civil Line, Thana, Tahsil and District Raigarh
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan New Raipur Chhattisgarh
2. The Collector, Collectorate Raigarh, Thana and District Raigarh Chhattisgarh
3. The Sub-Divisional Officer, Raigarh (Revenue) Tahsil Raigarh, District Raigarh Chhattisgarh.
4. The Tahsildar, Office Of Tahsildar, Raigarh P.S. And District Raigarh Chhattisgarh.
5. Municipal Corporation, Raigarh, Through The Commissioner Municipal Corporation Raigarh Chhattisgarh.
6. The Collector (Excise), Collectorate Raigarh, Thana and Tahsil Raigarh District (C.G.)

---- Respondents

For petitioner – Shri A.K. Athale, Advocate.

For State- Ms. Sunita Jain, G.A.

For respondent No.5 – Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/04/2021

Heard.

1. Learned counsel for the petitioner would submit that superstructure of the petitioner which was situated on the main road which is known as Ashyana Lodge and Keki Bar, part of it was dismantled for widening of the road. It is submitted that since licence of the petitioner was cancelled to run a hotel and bar as such the petitioner cannot have a bargain power and could claim the compensation for demolition of superstructure which was demolished. It is contended instead small portion of land was given. He would submit that valuation of the superstructure which was dismantled was over and above the value of the land which was given

at the back side of the superstructure. Under the circumstances, the petitioner has made an application to the Collector, Raigarh and the Commissioner, Municipal Corporation, Raigarh by Annexure P-32 to determine his compensation on 6/03/2017 and at this stage the petitioner would submit that his application may be decided, so that further course of action may be obtained by the petitioner.

2. Learned counsel for the respondent/Municipal Corporation would submit that the petitioner was given a land in lieu of the demolition made and he has agreed to it, therefore no further compensation can be provided.

3. Considering the tenor of the Annexure P-32 which is letter addressed to the Collector, Raigarh on 6/03/2017, without any further observation on the merit, the Collector, Raigarh may decide the same and the Municipal Corporation, Raigarh shall assist and provide all the documents in order to decide such application made by the petitioner. The Collector, Raigarh shall decide the same within an outer limit of four months from the date of receipt of this order. The petitioner may also file a copy of the application Annexure P-32 afresh to the Collector and the Commissioner, Raigarh alongwith the necessary documents, if so advised so that further course of action may be adopted. It is further made clear that at this juncture this court has not expressed any opinion as to the right of the petitioner on merit.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE