

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1827 of 2021

- Rakesh Kumar Behra S/o Late K.P. Behra, Aged About 45 Years R/o Ward No. 9, Gharghoda, P.S. And Tahsil Gharghoda, District Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Work Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Project Director, (C.S.R.S.P. ADB Project), Raipur Chhattisgarh. State Road Development Project, Sirpur Bhawan, Raipur District Raipur Chhattisgarh
3. Collector, Raigarh, District Raigarh (Chhattisgarh)
4. Sub Divisional Officer, Gharghoda, District Raigarh (Chhattisgarh)
5. Sunil Kumar Agrawal, Heal Bro Matallic And Construction Pvt. Ltd. Chandni Chowk, Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner : Shri Shashank Thakur, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri

Order

25/03/2021

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner owns a private land at village Rajpur, P.H. No.3, Tahsil Lailunga, District Raigarh (C.G.). He would further submit that a road is being constructed/widened from Bakruma to Lailunga and the private land of the petitioner comes in between, however, the respondent No.5, which is the agency carrying out the aforesaid work, without acquisition of the land of the petitioner has implanted the poles and would construct the road. He would further submit that neither the petitioner has been paid any compensation nor the acquisition of the land has been

effected, therefore, the respondents may be restrained from continuing the construction/widening of the road without the proper acquisition in accordance with law.

3. Perused the documents. The document Annexure P-4 is an internal communication letter dated 06.03.2021 addressed to the petitioner which purports that from Bakruma to Lailunga road is being widened which is being done by the respondent and it further purports that the agriculturist who would be affected by such construction/widening of the road, the report is already been given by the R.I. and the respective patwaris so that the acquisition can be effected by the constructing agency. The photographs which are attached in this petition would show that certain work of widening of road is going on. If the land of the petitioner is coming within the ambit of such widening of road and the acquisition has not been made it cannot be done by force.
4. Under the circumstances, the respondents are directed to demarcate the land of the petitioner and if the land of the petitioner comes within the ambit of widening or construction of the road then due process of acquisition should also be carried out in accordance with law. The demarcation of the land of the petitioner may be carried out within a period of 30 days from the date of receipt of the copy of this order and if the lands are not acquired, the acquisition proceedings may be carried out within an outer limit of six months.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu