

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2048 of 2021**

Suvimal Shrivastava S/o Late Shri Gajanand Lal Aged About 50 Years R/o Ward No. 15 Subhash Chandra Bose Ward, Lanji Road Khairagarh Tahsil Khairagarh District Rajnandgaon Chhattisgarh. ----

Petitioners**Versus**

1. State of Chhattisgarh through Secretary Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur Chhattisgarh
2. Collector Rajnandgaon District Rajnandgaon Chhattisgarh
3. Sub Divisional Officer (R) Khairagarh, District Rajnandgaon Chhattisgarh
4. Tahsildar Khairagarh District Rajnandgaon Chhattisgarh
5. Executive Engineer Public Works Department Division Khairagarh, District Rajnandgaon Chhattisgarh

--- Respondents

For the Petitioners	: Mr. F.S. Khare, Advocate
For the State	: Mr. Siddharth Dubey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10.06.2021**

1. The grievance of the petitioner is that the land of the petitioner was acquired in the year 2017-2018 for construction of road. Since the land was acquired, the extent of land which was acquired was required to be demarcated. Therefore, the petitioner has filed an application before the Tahsildar in the year 2018, however, the same was not taken cognizance thereof. Consequently, the petitioner has made an application to the Collector and on subsequent date, the Tahsildar has not demarcated the land inasmuch as after demarcation the issue can be settled that how much land

can be acquired. Consequently the petitioner has been disentitled to receive the compensation. He would submit that at this stage the petitioner may be given liberty to make an application to the Tahsildar, Khairagarh so that the land can be demarcated to know how much land is acquired, if any.

2. Considering the submission made that the application for demarcation is filed under the Land Revenue Code, then, the Tahsildar is duty bound to acquire the same. It is obvious that no one can be deprived of his lawful right to hold the property without due course of law and if the land is acquired then they are entitled for compensation according to the law of the land.
3. In the facts situation of the case, it is directed that the petitioner if files an application before the Tahsildar for demarcation of the land, the same would be further demarcated within a period of two months from the date of receipt of the application. Thereafter, if it is found that the land of the petitioner has been acquired for the purpose of construction of road then suitable measures would be taken by the Collector to grant compensation in accordance with law.
4. With the above observation, this writ petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE