

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1981 of 2021

1. Shiv Kumar S/o Late Chatur Singh Aged About 75 Years R/o Village Barbhanwar Tahsil Bodla District Kabirdham Chhattisgarh
2. Ambika Singh S/o Late Chatur Singh Aged About 50 Years R/o Village Barbhanwar Tahsil Bodla District Kabirdham Chhattisgarh
3. Mahendra Singh S/o Late Dakor Singh Aged About 49 Years R/o Village Barbhanwar Tahsil Bodla District Kabirdham Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Collector Kabirdham District Kabirdham Chhattisgarh
3. Sub Divisional Officer (R) Bodla District Kabirdham Chhattisgarh
4. Tahsildar Bodla District Kabirdham Chhattisgarh
5. Executive Engineer Public Works Department, Division Kabirdham District Kabirdham Chhattisgarh

---- Respondents

For Petitioner	:	Mr. F.S. Khare, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

07.04.2021

Heard

1. Learned counsel for the petitioners submits that part of the land of the petitioners were acquired for construction of the road and compensation was not paid, as such in order to ascertain the extent of land which is used, the application was filed before the Tehsildar by Annexure P/2 on 26.02.2021 with a payment of Challan. However the Tehsildar refused to accept the same. Subsequently, the petitioners made a complaint to the Collector by Annexure P/3 however no cognizance was taken, therefore the Respondent No. 4 Tehsildar may be directed to demarcate the land of the petitioners to ascertain whether the land has been used for construction of road or not.
2. Considering the prayer made, if the road has been constructed over the land of the petitioners then it can only be ascertained by demarcation of the land and even otherwise

the respondent No. 4 Tehsildar is under statutory duty to demarcate the land under the Land Revenue Code 1959 if the applications are filed. Annexure P/2 and the Challan would show that the application was filed for demarcation of the land on 26.02.2021.

3. Considering the same, the Respondent No. 4 Tehsildar Bodla Distt. Kabirdham is directed to demarcate the land of the petitioners by acceptance of the application of demarcation. The petitioners are directed to file their application with the copy of the order before the Tehsildar in person if the earlier application is not traced. Thereafter the Respondent No. 4 Tehsildar shall demarcate the land of the petitioners within a period of 45 days from the date of receipt of application for demarcation afresh. Subsequent thereto, if it is found that the land of the petitioners is enveloped within construction of the road then in such case the proceeding for payment of compensation be drawn in accordance with law as early as possible.
4. With the aforesaid observation/ direction, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge