

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2752 of 2021

- Thulesh Kumar S/o Radhelal Aged About 50 Years Caste Gond, R/o Dongrigaon, Maroda, Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhavan, Naya Raipur, Raipur Chhattisgarh.
2. Collector District Gariyaband Chhattisgarh.
3. Tehsildar Gariyaband , District Gariyaband Chhattisgarh.
4. Chief Medical And Health Officer District Gariyaband Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shikhar Bakhtiyar, Advocate
For State	:	Mr. Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.07.2021

1. Heard
2. The challenge in this petition is to the notice issued by the Tehsildar Gariyaband on 01.06.2021 for acquisition of certain land.
3. Learned counsel for the petitioner submits that the petitioner holds a land bearing Khasra No. 189 and it is an irrigated and agricultural land. It is submitted that as per Chapter 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and resettlement Act 2013, the agricultural land of the like nature cannot be acquired unless there is an exceptional circumstance. He submits that since the respondent authorities are measuring the land of the petitioner, as such, they are aggrieved by the said notice.
4. Per contra, learned State counsel submits that the said notice which is under challenge is with respect to the government lands bearing Khasra No. 330,

331/1, 331/2, 332, 334 & 335 total admeasuring 8.24 Hectares, which is a government land and the land of the petitioner is not included in such notice and the land of the petitioner is bearing Khasra No. 189.

5. Perused the notice Annexure P/1 dated 01.06.2021. The petitioner has filed the document of land record which is in respect of land bearing Khasra No. 189. Since the land bearing Khasra No. 189, which is a private land of the petitioner, is not included in the said notice and it is in respect of the entirely different land which is the government land, the petitioner do not have any locus to challenge the notice Annexure P/1 dated 01.06.2021.
6. However, the petitioner shall be at liberty to approach the appropriate forum, if the cause of action arises in future, if any.
7. With the aforesaid direction/ observation, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge