

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2667 of 2021

1. Hari Lal S/o Late Dhanau Aged About 42 Years
2. Shiv Lal S/o Late Dhanau Aged About 35 Years
3. Vinod S/o Late Dhanau Aged About 30 Years
4. Narsingh Banjare S/o Late Dhanaram Aged About 54 Years
5. Lakhan Banjare S/o Late Dhanaram Aged About 45 Years
6. Dataram S/o Late Mohit Aged About 65 Years
7. Dhaniram S/o Late Luturam Aged About 80 Years
8. Geeta Bai D/o Late Johit Aged About 55 Years
9. Shashi S/o Late Dhanau Aged About 25 Years
10. Bhajan Das S/o Late Chandram Aged About 90 Years

All are R/o of Village Nariyara, Tahsil Malkharouda, District Janjgir Champa 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. State Of Chhattisgarh Through Secretary, Public Works Department Mahanadi Bhawan Mantralaya , Atal Nagar New Raipur District Raipur Chhattisgarh.
3. Collector Janjgir Champa District Janjgir Champa Chhattisgarh.
4. Sub Divisional Officer (R) / Land Acquisition Officer Sakti District Janjgir Champa Chhattisgarh.
5. Executive Engineer (B/R) Public Works Department Champa Divisional Champa District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner : Shri F.S. Khare, Advocate

For Respondent/ State : Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2021

Heard

1. Learned counsel for the petitioners would submit that the land of the petitioners were enveloped for construction of road in the year 2015, however no compensation was paid. He would submit that different land owners were deprived of their property and the road was constructed by the respondents/ Public Works Department which would be evident from the certificate issued by the Patwari, Gram Panchayat. He would submit that the petitioners had already made an application (Annexure P-4) before the SDO, District Janjgir to pay the amount of compensation but till date the same is not being decided.
2. Learned State counsel prays time to seek instructions.
3. Considering the nature of averments made, I do not find any reason to keep this petition pending, if the land of the petitioners have been acquired otherwise than due course of law and they have not been paid the compensation, then in such case, they are entitled to get the compensation. Therefore, the State Authority Respondent No. 3 along with Respondent No. 4 are directed to take up the exercise to ascertain whether the land of the petitioners were enveloped for the construction of the road or not. It is further directed that demarcation may also be carried out and if it is found that the land of the petitioners were taken up for constructions of roads without payment of any compensation then in such case the compensation should be paid in accordance with law after following due process of law, it is directed that all endeavor to complete the proceeding be made within a further period of 1 year.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti