

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3129 of 2021

1. Parvinder Singh, S/o. Late Harvansh Singh, Aged About 42 Years.
 2. Satvinder Singh, S/o. Late Harvansh Singh, Aged About 40 Years.
- Both Owner Of Land Bearing Khasra No. 99, Village Hardi, R/o. Near Dayalbandh Gurudwara Dayalbandh Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan Mantralay Naya Raipur, District Raipur Chhattisgarh.
2. Chief Engineer, Public Works Department, National Highway Division Raipur, District Raipur Chhattisgarh.
3. Sub Divisional Officer (Revenue) cum Land Acquisition Officer Bilaspur, District Bilaspur Chhattisgarh.
4. Collector Bilaspur, District Bilaspur Chhattisgarh.
5. Executive Engineer, Public Works Department, National Highways Division Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Sushobhit Singh, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.08.2021

Heard

1. Learned counsel for the petitioners would submit that the petitioners owned the land bearing Khasra No.99 admeasuring 0.90 acres, the respondents without acquisition of the same by lawful authority have constructed a road over a part of such land; therefore, the petitioners are left with only 0.78 acres and the other land has been utilized for construction of road. He refers to Annexure P-2 and would submit that when the petitioners came to know of the fact the demarcation was carried out and it was found that the petitioners are only in occupation of 0.78 acres land. Therefore, the respondents may be directed to demarcate the land of the petitioners to find out whether the road has

been constructed over the Khasra No.99 and if the road has been constructed, the respondents may be directed to start the due procedure of law to acquire the same.

2. 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.
3. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Aks