

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3187 of 2021**

- Suresh Kumar S/o Late Dakor Singh Aged About 60 Years R/o Village-Jhirouni, Tahsil- Kawardha, District-Kabirdham, Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Mannage,ent, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District-Raipur, Chhattisgarh,
2. Collector Kabirdham, District-Kabirdham, Chhattisgarh,
3. Sub Divisional Officer (R) Bodla, District-Kabirdham,
4. Nayab Tahsildar Kawardha, District-Kabirdham, Chhattisgarh,
5. Executive Engineer Public Works Department, Division Kabirdha, 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****09.08.2021**

Heard

1. Learned counsel for the petitioner submits that part of the lands of the petitioner 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 04.03.2021 with a payment of Challan. However, the Tehsildar refused to accept the same. Therefore, the prayer made by the petitioner is that the Respondent No. 4 Nayab Tehsildar may be directed to demarcate the land of the petitioner 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 petitioner then it can only be ascertained by demarcation of the land and even otherwise the respondent No. 4 Nayab Tehsildar is under statutory duty to

demarcate the land under the Land Revenue Code 1959 if the application is filed. Annexure P/2 and the Challan would show that the application was filed for demarcation of the land on 04.03.2021.

3. Considering the same, the Respondent No. 4 Nayab Tehsildar Kawardha Distt. Kabirdham is directed to demarcate the land of the petitioner by acceptance of the application of demarcation. The petitioner is directed to file his application with the copy of the order before the Nayab Tehsildar in person if the earlier application is not traced. Thereafter the Respondent No. 4 Nayab Tehsildar shall demarcate the land of the petitioner 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 petitioner 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