

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3244 of 2021

- Smt. Kesari Bai Wd/o Late Shri Sundar Lal, Aged About 52 Years R/o. Village Birkoni, Block Pathariya, District Mungeli Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Water Resource, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. The Secretary, Department Of Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Engineer - In - Chief, Water Resource Department, Shivnath Bhawan, Atal Nagar Raipur, Chhattisgarh
4. Collector Mungeli, District Mungeli Chhattisgarh
5. Sub Division Officer (R) Pathariya, Block Pathariya, District Mungeli Chhattisgarh

---- Respondents

For Petitioner : Shri Jeet Ram Patel, Advocate

For Respondents/ State : Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.08.2021

Heard.

1. Learned counsel for the petitioner submits that the land of the petitioner bearing Khasra No. 549/5 ad-measuring area 0.03 Hectares is covered under the project implementation by the respondents the project was named as 'Maniyari Bairaj Project'. It is contended that in the said project though petitioner land was enveloped but compensation has not been paid. Consequently, it resulted in deprivation of the petitioner's right to use the land. He would submit that few of the villagers have been send notice to get the compensation as per Anenxure P-2, however the petitioner land though was affected and she was deprive of her right her case is not considered. It is further submitted that the petitioner has made application to

the SDO Block Pathariya Distt. Mungeli vide annexure P-3 so that her case may be considered for compensation and it may be directed to be considered.

2. Perused the documents.
3. Perusal of the documents shows that the petitioner's land has been used for implementation of the project and the grievance is required to be considered . Under these circumstances, the petitioner is given a liberty to make a representation to the respondent No. 5 Sub Divisional Officer Pathariya Distt. Mungeli within a period of four weeks and on such a representation being filed, the respondent No. 5 shall carry out the demarcation of the land of the petitioner within an outer limit of 60 days from the date of receipt of the representation so as to ascertain the fact that whether the petitioner would fall under the affected category. After the said demarcation, if it is found that the land of the petitioner is affected for implementation of the project then in such case the proceeding for payment of compensation be carried out in accordance with law as early as possible.
4. With the above direction/observation, this writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge