

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3538 of 2021**

1. Dhan Singh S/o Ajit, Aged About 46 Years R/o Village Kukusda Tehsil Pathariya, District Mungeli (Chhattisgarh)
2. Anjori, S/o Ajit, Aged About 53 Years R/o Village Kukusda Tehsil Pathariya, District Mungeli (Chhattisgarh)
3. Parmeshwar Yadav, S/o Late Johit, Aged About 47 Years R/o Village Kukusda Tehsil Pathariya, District Mungeli (Chhattisgarh)
4. Firanta, S/o Pirti, Aged About 76 Years R/o Village Kukusda Tehsil Pathariya, District Mungeli (Chhattisgarh)
5. Vishnu, S/o Patwari, Aged About 45 Years R/o Village Kukusda Tehsil Pathariya, District Mungeli (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary Department Of Water Resource Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. Collector Mungeli, District Mungeli Chhattisgarh
4. Sub Divisional Officer (Revenue) Pathariya, District Mungeli (Chhattisgarh)
5. Executive Engineer Maniyari, Water Resource Department Mungeli, District Mungeli Chhattisgarh

---- Respondents

For Petitioners : Shri Surfaraj Khan, Advocate

For Respondents/State : Shri Gagan Tiwari, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****02/09/2021**

Heard.

1. The grievance of the petitioners is that the lands of the petitioners are coming under submergence on account of construction of Maniyari Bairaj and a notification has been issued on 20.05.2013 under Section 5 (a) of the Land Acquisition Act, 1894 and the lands are situated at village Kukusda, Tehsil Pathariya, District Mungeli. It is contended that the acquisition proceeding never concluded, therefore, the petitioners have filed a petition before this Court in WPC No. 2179 of 2021, wherein this Court on 16.06.2021 has directed the State counsel to seek instructions. It is further submitted that after that the publication has been made on 27th of June, 2021 that the acquisition of the land would be made as per the purchase policy of 2016.
2. Learned counsel for the petitioners would submit that the petitioner is deprived from use of their land since 2013 and the lands were taken over without lawful acquisition and since the fresh notification has been issued by Annexure P-2 on 27th of June, 2021 to acquire the land by mutual purchase policy of 2016, the petitioner has no objection to such policy, however, the authorities may be directed to conclude the proceeding within reasonable time.
3. Perusal of the documents would show that initially in a earlier writ petition WPC No. 2179/2021 State was directed to seek instructions and as appears that subsequently by notification dated 27th of June, 2021 the State has expressed to acquire the property/land under the mutual land purchase policy of 2016. Prima facie, therefore, it shows that though the lands were acquired and the petitioners were deprived of the land but the compensation

was not paid. Under the circumstances, since a fresh notification has been issued to acquire the land by a mutual consent of purchase, the respondents are directed to conclude such proceedings in respect of the petitioner within a period of six months from the date of receipt of the copy of this order.

4. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti