

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3938 of 2021**

Kamal Kishor Dhruw, S/o. Late Ramcharan Dhruw, Aged About 34 Years,
R/o. Ward No.12, Mahamayapara Pathariya, Tehsil Pathariya, District
Mungeli, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. State Of Chhattisgarh, Through The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa 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 Petitioner : Shri Surfaraj Khan, Advocate

For Respondents/State : Shri Aman Kesharwani, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.09.2021

Heard.

1. The grievance of the petitioner is that the lands of the petitioner 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.1960 of 2021, wherein this Court on 06.04.2021 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 petitioner would submit that the petitioner is deprived from use of his land since 2013 and the lands were taken over without lawful acquisition and since the fresh notification has been issued by Annexure P-3 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 an earlier writ petition WPC No.1960/2021, 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 petitioner was 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

Aks