

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3978 of 2021**

1. Rajnish Tiwari, S/o Late Amritlal Tiwari, Aged About 50 Years,
2. Smt. Sarita Tiwari @ Kaveri, Wd/o Late Amritlal Tiwari, Aged About 70 Years,
3. Smt. Renu Shastri, W/o Vinay Shastri, Aged About 55 Years,
4. Smt. Rekha Sharma, W/o Atul Sharma, Aged About 45 Years,
5. Smt. Ritu Shukla, W/o Vivek Shukla, Aged About 43 Years,
6. Smt. Anamika Sharma, W/o Amit Sharma, Aged About 40 Years,

All R/o Gram Loharsi (Sone), Post Loharsi, Tehsil Masturi, District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Public Works Department, Nawa Raipur, Atal Nagar District Raipur Chhattisgarh.
2. Sub Divisional Officer - Competent Authority, Land Acquisition, Masturi, District Bilaspur Chhattisgarh.
3. Project Manager, Chhattisgarh Road Development Corporation Limited, Civil Lines, Raipur Chhattisgarh.

---- Respondents

For petitioners	:	Shri Ali Asgar, Advocate.
For State	:	Shri Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/09/2021

Heard.

1. Learned counsel for the petitioners would submit that a land bearing khasra No.1036 which belong to the petitioners family was acquired by the respondent No.3 for widening of the road of Jairam Nagar Marg. He would submit that initially when the advertisement was made it was shown that the land would be purchased through a mutual purchase policy of 2016. Subsequently, the road has been constructed and initially it was stated that 18 decimal would be used which was offered for purchase

under the mutual purchase policy, however, while construction of the road 35 decimal was used. The demarcation being carried out it was shown that the land of 35 decimal has been used which is also admitted by the respondent/State in their communication dated 19/07/2019. It is further submitted that in respect of 18 decimal the proceeding were drawn and concluded, however the amount has not been paid, therefore they may be directed to release the amount of compensation in favour of the petitioners for the entire land.

2. Perusal of the documents attached with this petition would show that the land of Amrit Lal from whom the petitioners claim their title was acquired for construction of road under the mutual purchase policy of 2016. It appears that the demarcation having carried out it was found that 0.35 acres of land is been affected for construction of the road from Jondara to Jairam Nagar and for 0.18 acres the compensation case is pending but 0.35 acres of land has been used. This also find support from the admission of the respondent/SDO Annexure P-6 dated 19/07/2019 which shows that out of 1.05 acres, 0.35 acres of land has been affected. It further purports that for 0.18 acres the compensation has been calculated and has been prepared and in respect of the rest of the land of 0.17 acres fresh proposal is directed to be sent to the respondent No.3 by the SDO, Masturi.

3. Therefore, under the circumstances, since prima facie it appears to be admitted fact that 0.35 acres of the land of the petitioners have been used, therefore at present the respondent shall ensure that the compensation in respect of 0.18 acres be immediately released which was acquired as per the offer of the mutual purchase policy of 2016 and in respect of 0.17 acres of land which is also affected, the necessary proceeding may be drawn so that the compensation is released to the

petitioners. The proceeding may be drawn and concluded within an outer limit of four months.

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

Sd/-

(Goutam Bhaduri)

JUDGE