

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2727 of 2019

Prakash Chandra Patel, S/o. Shri Makardhwaj Patel, aged about 53 years, R/o. Village Chhuchhubhatha, Post Kotmi, Tahsil Dabhara, District Janjgir - Champa Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh.
2. The Collector, District Janjgir - Champa Chhattisgarh.
3. The Sub Divisional Officer (Revenue)/ Land Acquisition Officer Dabhara, District Janjgir, Champa Chhattisgarh.
4. The Executive Engineer Public Works Department, Champa Division, District Janjgir - Champa Chhattisgarh.
5. The Sub Divisional Officer Public Works, Department, Sakti, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	: Mr. H.S. Patel, Advocate
For State-Respondents	: Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/11/2021

1. It is submitted by the learned counsel for the petitioner that the petitioner is the recorded owner of the land bearing Kh. No. 364/1, measuring area 1.90 acres, situated at village- Chhuchhubhatha, P.C. No.12, R.I. - Circle – Chandrapur, Tahsil – Dabhara, District Janjgir-Champa (C.G.). It is submitted that out of the said land, 0.64 acres of land has been

utilized for construction of Kirari - Kotmi Road by the respondents, for which, no acquisition proceeding was drawn neither any compensation has been paid to the petitioner. The petitioner made representation on this basis, the Land Acquisition Officer has by order dated 19.01.2005 directed the respondent No.5 to submit proposal for the land acquisition. Subsequent to which, there is no progress. The proceeding initiated was dropped on 30.12.2010 by the Land Acquisition Officer (Annexure P-2). The petitioner had earlier preferred W.P.(C) No. 99 of 2018, which was disposed off by order dated 15.11.2018 directing the respondents authorities to consider and decide the representation of the petitioner within time limit. After submission of representation, the Land Acquisition Officer respondent No.3 has directed the respondent No.5 to deposit the compensation amount to the tune of Rs.17,47,877/- as mentioned in the letter dated 02.05.2018 (Annexure P-8). It is submitted that the amount as ordered has not been deposited by the respondent No.5 and also the assessment of the compensation is not in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (In Short 'the Act, 2013'). Therefore, the rights of the petitioner as enshrined under Article 300A of the Constitution of India have not been protected. Prayer has been made to direct the respondents authorities for issuance of direction to make assessment of compensation in accordance with the Act of 2013 and do the needful for grant of compensation to the petitioner.

2. Learned State counsel representing for respondents opposes the submissions.
3. Considered on the submissions and perused the documents filed along with the petition. The petitioner is granted liberty to file representation, before the respondent No.2 and 3 within a period of 15 days from today. The respondent No.2 and 3 are directed to consider on this

representation within a period of 60 days from the date the representation is received after due verification and in accordance with the law.

4. With these observations, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram