

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 2850 of 2019

Shanti Rampuriya W/o Jitendra Rampuriya Aged About 46 Years R/o 11
Dungaji Colony, Anupam Garden, G.E. Road, Raipur, District Raipur
Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through the Principal Secretary Department Of Housing & Environment Department, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office & Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Director, Directorate Of Town And Country Planning, Indrawati Bhawan, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Raipur Development Authority, Chief Executive Officer, Bhakta Mata Karma, Commercial Complex, New Rajendra Nagar, Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Goutam Khetrapal, Advocate.
For respondents No.1 & 2/ State	: Shri Rahul Jha, P.L.
For respondent No.3	: Shri Animesh Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09.11.2021

Heard on petition.

1. This petition has been brought praying for issuance of directions to the respondents.
2. It is submitted by counsel for the petitioner that the petitioner is the owner of land bearing khasra Nos. 74, 75/1, 75/2 and 76. Respondent No.3 – Raipur Development Authority has prepared the master-plan which shows MR 17A, in which the portion of the land belonging to the petitioner is proposed to be used. The petitioner made representations to the respondent/ authorities to initiate the proceedings of land acquisition for grant of compensation to the petitioner, but to no avail.

The petitioner is deprived of the portion of her land which is proposed to be used in the master-plan since the year, 2018, therefore, this petition has been filed praying for relief that either the proceeding for acquisition of the land belonging to the petitioner for the master-plan be initiated or it may be released.

3. Learned State counsel representing for respondents No.1 & 2 opposes the submissions and submits that the petitioner had made a prayer to purchase the land under Section 34 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973. It was considered, that the land belonging to the petitioner has been earmarked for 17A Major District Road under the Raipur Development Plan, therefore, it is a project of public interest which cannot be given up. This Court may be pleased to pass the appropriate orders.
4. Considered on the submissions. Section 34 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 provides that where any land is designated by a development plan as subject to compulsory acquisition the owner is entitled to serve on the State Government within such time, in such manner and together with such documents as may be prescribed, a notice requiring the appropriate authority to purchase the interest in land in accordance with the provision of the Act. Remaining part of the provision provides for the procedure under which the purchase will be made. Although, the petitioner has earlier served such notice upon the respondents, but no decision has been taken on the same, hence, there appears to be requirement to pass appropriate orders. Hence, this petition is disposed of at motion stage. The petitioner is granted liberty to serve a fresh notice under Section 34 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 upon the respondents within a period of 15 days from today. Subsequent to

which, the respondents on receipt of any such notice shall be obliged to take decision on the notice served upon them as mentioned herein-above within a period of 90 days in the light of the provisions under Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973.

5. With the aforesaid observations, the present petition is disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi