

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3278 of 2020

1. Mrityunjay Vaishnav S/o- Late Sachhidanand Vaishnav Aged About 53 Years R/o- Village Bandoura Post Jhirouni, Tahsil Kawrdha District Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh
2. Smt. Priyambada Devi W/o Baldau Das Aged About 65 Years D/o- Mahant Ramkumar Das Vaishnav, R/o- Village Senhabhatha Post Bagharra, P.S. Kunda, Tahsil Pandariya District Kabirdham (Chhattisgarh) Through Power Of Attorney Holder Mrityunjay Vaishnav, S/o- Late Sachhidanand Vaishnav, Aged About 53 Years, R/o- Village Bandoura Post Jhirouni, Tahsil Kawrdha, District Kabirdham (Chhattisgarh),
-- Petitioners

Versus

1. State of Chhattisgarh through Secretary Department of Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, Atal Nagar New Raipur District Raipur (Chhattisgarh).
2. Collector Kabirdham District Kabirdham (Chhattisgarh),
3. Sub Divisional Officer (R)/Kawardha District : Kawardha (Kabirdham), Chhattisgarh
4. Tahsildar Sahaspur Lohara, District : Kawardha (Kabirdham), Chhattisgarh
5. General Manager Chhattisgarh Road Development Corporation, Civil Line Raipur, District Raipur Chhattisgarh.
--- Respondents

For the applicants	:	Mr. F. S. Khare, Advocate
For the State	:	Mrs. Richa Shukla, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.01.2021

1. The grievance of the petitioners is that their land situated at village Khairjhitkhurd was acquired while widening the road from Kawardha to Than-khamhariya.
2. Learned counsel for the petitioners would submit that without giving any compensation, the land of the petitioners was acquired and they have made several applications to demarcate the land so that if their

land is acquired in widening of the road, they may be granted adequate compensation, but till date the demarcation itself is not being carried out by the revenue authorities despite the fact that the petitioner has made representations to the Sub-Divisional Officer (Revenue), Kawardha and Collector, Kabirdham. He would submit that when the Tahsildar/SDO (Revenue) has not taken any decision, a complaint has also been made to the Collector, Kawardha but till date the same has not been considered.

3. A perusal of Annexure P-2 would show that the application was made by the petitioner to demarcate his land bearing Kh.No.152/1-GA, 188, 89/1, 191/1GA admeasuring 0,988 hectares situated at Khairjhitkhurd, P.H.No.36. If the application for demarcation has been made then the same cannot be denied especially when the petitioner is forcibly dispossessed from his land without payment of adequate compensation.
4. Under the circumstances, it is directed that the Tahsildar Lohara shall carry out the demarcation of land of the petitioners so as to find out whether the process of widening of the road has affected their land and if it is so, then the State Authority shall take appropriate measures to calculate the compensation which would otherwise be payable to him. The demarcation of the land of the petitioners may be carried out within a further period of 90 days from the date of receipt of the order.
5. With the above observation/direction, this writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**