

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4451 of 2021

- Sharad Kumar Devi W/o Arttran, Aged About 75 Years, R/o Purana Rajwari, Balangir, Tahsil and District- Balangir, Odisha., District : Balangir, Orissa

---- Petitioner

Versus

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

---- Respondents

For Petitioner – Mr. Harishankar Patel, Advocate.

For State/respondents – Ms. Akanksha Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-11-2021

Heard.

1. It is submitted that the petitioner is recorded owner of land bearing Khasra Nos. 445/1, 1068/1 and 1068/3, 466/1 measuring 0.109 hectare, 0.243 hectare and 0.109 hectare situated in Village Kusmul, Tahsil Dabhra, District Janjgir-Champa. The respondents authorities have constructed road under Mukhyamantri Gram Sadak Yojana in the year 1985 without acquiring the land of the petitioner. The petitioner has come to know about the use of his land recently. The petitioner made representation on 19-06-2019 vide Annexure-P/4 praying for rehabilitation and compensation to respondents No.3 and 6, which has not been decided so far. Therefore, it is prayed that this petition may be

disposed off with direction.

2. The State counsel representing the respondents opposes the submission and submits that the petition may be disposed off with appropriate direction.

3. Considered on the submissions.

4. In view of the statement made and in view of the order passed by this Court in **Banshilal Sidar V. State of Chhattisgarh and Others** (WPC No.4628 of 2011 decided on 19/10/2011), wherein this Court has observed that when there is deprivation of constitutional right as enshrined under Article 300A of the Constitution of India, adequate compensation has to be paid in all respects and the State authorities should take immediate steps to compute the compensation amount and pay the interest from the date of possession, till the amount of is paid. The writ petition is disposed of with a direction that while determining the compensation the authorities shall consider payment of interest to the petitioner from the date of dispossession. Hence, on the basis of the view expressed in the judgment mentioned hereinabove by this Court this petition is disposed off at motion stage. The petitioner is granted liberty to file fresh representation before respondents No.2, 3, 4 and 5 within a period of 15 days and after filing of such representation the respondents authorities shall have a time of 60 days to consider and take decision on the representation made by the petitioner in view of the observations made hereinabove. With these observations the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge