

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 29 of 2021**

- Yogesh Shrivastava S/o Balram, Aged About 45 Years Owner Of Part Of Land Bearing Khasra Number 719 R/o Mahamayapara Jarhagaon Police Station Jarhagaon District Mungeli Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Public Works Department Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Engineer In Chief, P.W.D. / National Highway, Sirpur Bhawan, Near Kali Mandir, Via Governor House Road, Raipur Chhattisgarh Pin Code 492002
3. Collector, Mungeli Chhattisgarh
4. Sub - Divisional Officer (Revenue) Mungeli District Mungeli Chhattisgarh
5. Executive Engineer, National Highway Division Bilaspur, District Bilaspur Chhattisgarh
6. Union Of India Through Secretary Ministry Of Road Transport And Highways New Delhi

---- Respondents

For Petitioner	:	Mr. Sushobhit Singh, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.
For Respondent No. 6	:	Mr. Tushar Dhar Diwan, Advocate on behalf of Mr. Ramakant Mishra, ASG for the UOI

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****13.01.2021**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner was granted a Bhumi Swami right by Annexure P/2 in the year 2016-17 of Plot bearing No.3 out of Khasra No. 719 ad-measuring 702 Square meters situated at Village Jarhagaon Mungeli and

the boundaries of it have also been marked. Now with the project of widening of the road, the petitioner is being treated to be the encroacher though he has been conferred with the Bhumi Swami right. Under these circumstances, it may be directed that the petitioner may not be forcefully evicted otherwise than in due course of law/ the due procedure for payment of compensation for acquisition of the land should be followed when the petitioner is deprived of his right.

3. Learned State counsel would submit that Annexure P/1 records that the respective affected persons were called with the documents of ownership of land so that the necessary calculation can be carried out for compensation, therefore, this writ petition is premature.
4. Perusal of Annexure P/1 dated 26.05.2020 would show that inter-se communication is made and certain documents were asked for, from the affected parties whose lands are affected by project for the reason that the necessary compensation can be calculated. Therefore the petitioner, under these circumstances, can very well approach to the concerned authority with the necessary document of Annexure P/2 so that the compliance to Annexure P/1 dated 26.05.2020 can be arrived at. It is further observed that if the petitioner's immovable property is affected with the widening of the road or construction of the Highway, then in such case if the petitioner comes out with the necessary documents of his ownership or grant then in such case the ratable compensation is required to be distributed to the petitioner too. Further if the award is not passed, then the proceeding for grant of compensation should also be carried out in accordance with law.
5. With the aforesaid direction/ observation, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge