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HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4528 of 2021

Kunj Bai W/o Girdhar Lal Aged About 56 Years R/o Village Sonesarar
Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

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 Rajnandgaon, District Rajnandgaon Chhattisgarh.
3. Sub Divisional Officer (R)/ Khairagarh District Rajnandgaon Chhattisgarh.
4. Tahsildar Khairagarh, District Rajnandgaon Chhattisgarh.
5. Executive Engineer Department Of Public Works, Division Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner : Shri F.S. Khare, Advocate.

For the respondents / State : Shri Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11.11.2021

Heard.

1. It is submitted by counsel for the petitioner that the lands belonging to the petitioner have been acquired by respondent No.5 – Executive Engineer Department of Public Works for construction of Khairagarh-Jalbandha-Durg Road. The petitioner presented an application dated 12.8.2021 before respondent No.4 -Tahsildar Khairagarh but respondent No.4 denied to accept that application for demarcation. The petitioner then made a complaint dated 31.8.2021 to respondent No.2 / Collector, Rajnandgaon but no action has been taken on this complaint by respondent No.2, therefore, this petition has been filed praying for issuance of appropriate directions.

2. Learned State counsel opposes the submissions.
3. Considered on the submissions. Perused the documents filed alongwith the petition. As per the submissions of the petitioner counsel, respondent No.5 has not informed the petitioner regarding the area of land that has been acquired, therefore, the demarcation is required.
4. After considering on the submissions, the petition is disposed of at motion stage. The petitioner is granted liberty to file an application for demarcation before respondent No.4 within a period of seven days. Respondent No.4 is then directed to consider on that application and proceeded to demarcate the landed property of the petitioner which had been subject to acquisition by respondent No.5 and submit the report at the earliest, preferably, within a period of 60 days from the date the application is received by respondent No.4. Respondent No.2 is also directed to make supervision in the matter of demarcation which is to be made by respondent No.4. It is also observed that in case it is found in the demarcation then the portion of the land of the petitioner has been acquired and in case any acquisition proceeding had not been initiated for the same then respondents No.2 & 3 shall be obliged to proceed in accordance with law for the purpose of granting compensation to the petitioner.
5. With the aforesaid observations, the present petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge