



2026:CGHC:9739



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 818 of 2026

1 - Santosh Rathour S/o Buldu Rathour Aged About 45 Years R/o Janjgir, Tahsil - Janjgir, Distt - Janjgir-Champa Chhattisgarh

2 - Phagu Ram Rathour S/o Dukalu Rathour Aged About 65 Years R/o Janjgir, Tahsil - Janjgir, Distt - Janjgir-Champa Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, Distt - Raipur Chhattisgarh

2 - The Secretary Department Of Public Work Department, Mahanadi Bhawan, New Raipur, Distt - Raipur Chhattisgarh

3 - The Collector Janjgir-Champa, Distt Janjgir-Champa Chhattisgarh

4 - The Sub Divisional Officer (Revenue) Janjgir, Distt Janjgir-Champa Chhattisgarh

5 - Executive Engineer Public Work Department, Division - Champa Distt - Janjgir-Champa Chhattisgarh

6 - Sub Divisional Officer Public Work Department Sub Division Janjgir, Distt Janjgir-Champa Chhattisgarh

7 - Chief Executive Officer Janpad Panchayat Janjgir Distt Janjgir-Champa Chhattisgarh

... Respondents

{Cause title, as taken from CIS}



For Petitioners	:	Mr. A.N. Pandey, Advocate.
For Respondents /State	:	Mr. Saumitra Kesharwani, Panel Lawyer.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

24/02/2026

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioners seeking following reliefs :-

10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pay the compensation amount of the subject land to the petitioners as per "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" with interest within stipulated period.

10.2 That, this Hon'ble Court may kindly be pleased to set aside of the order dated 26.12.2025 issued by the respondent no. 5 **ANNEXURE P/4**.

10.3 That, any other relief or reliefs may also granted to the petitioner which this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

2. Learned counsel appearing for the petitioners would submit that the land bearing Khasra No.4037/1, area 0.0160 hectare and Khasra No. 4037/2, area 0.0160, are the ancestral property of petitioners No. 1 & 2, respectively, on which road has been constructed, but in lieu thereof, compensation has not been paid to the petitioners. He further submits that in demarcation report dated 18.07.2025 (Annexure P-3) sent to Collector, Land Record, District Janjgir-Champa, it has been reported that "link road" {Janjgir-Champa by pass } has been constructed over the land bearing Khasra No. 4037, which also includes the land of petitioners, but in the said demarcation report, specific land of petitioners have not been mentioned, therefore, learned counsel for the petitioners submits that this petition may be



disposed of directing respondents No. 3 & 4 to get fresh demarcation of petitioners' land bearing Khasra No.4037/1, area 0.0160 hectare *and* Khasra No. 4037/2, area 0.0160, respectively to find out as to whether aforesaid lands of the petitioner has been used for construction of road or not, thereafter, if it is found that the petitioners' land has been utilized for construction of road, then appropriate compensation may be paid to them.

3. In reply, learned counsel for the State would submit that if order of fresh demarcation is passed, then the same will be carried out to ascertain the fact as to whether land of the petitioners bearing Khasra No.4037/1, area 0.0160 hectare *and* Khasra No. 4037/2, area 0.0160 has been used for construction of road or not and if is found "positive" then appropriate steps shall be taken in accordance with law.

4. I have heard learned counsel for the parties and perused the material available on record.

5. The petitioners have alleged that a road was constructed over the said land of the petitioners about 50 years ago; demarcation has already been conducted by the revenue authorities, which was sent to the Collector, Land Records, District Janjgir-Champa vide Annexure P-5. Demarcation report dated 18.07.2025 (Annexure P-3) shows that the road has been construction over the land bearing Khasra No. 4037, but it has not been specifically mentioned that the land of the petitioners bearing Khasra No.4037/1, area 0.0160 hectare *and* Khasra No. 4037/2, area 0.0160, respectively have been utilized or not for construction of road.

6. Right to property is a constitutional right envisaged under Article 300A of the Constitution of India, hence no one can be deprived of his property without payment of compensation under the authority of law.

7. Thus, having considered the limited prayer of petitioner, this petition stands disposed of directing respondents No. 3 & 4 to carry out fresh demarcation of petitioners' land bearing bearing Khasra No.4037/1, area 0.0160 hectare *and*



Khasra No. 4037/2, area 0.0160 to ascertain the fact that whether aforesaid lands have been used for construction of road and if it is found that said lands have been utilized for construction of road, then respondents No. 3 & 4 are further directed to take appropriate steps in accordance with law to provide compensation to the petitioners. It is further observed that aforesaid exercise be done expeditiously preferably within a period of six months from the date of receipt / submission of copy of this order.

8. With the aforesaid observations & directions, the writ petition is disposed of.
9. Pending interlocutory application (s), if any, stand (s) disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge