



2026:CGHC:18860

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1871 of 2026

1 - Jagdish Prasad Sahu S/o Late Shri Gowardhan Sahu Aged About 82 Years R/o Village Sukalipali, Post Suloni, Police Station Malkharoda, Tahsil Adbhar, District Sakti (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Public Works Department, Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - Collector Sakti District Sakti (C.G.)

3 - Sub Division Officer (Revenue) Malkharoda, District Sakti (C.G.)

4 - Executive Engineer Public Works Department, Champa Division, Champa, District Janjgir Champa (C.G.)

5 - Sub Division Officer Public Works Department Sakti, District Sakti (C.G.)

6 - Tahsildar Tahsil Adabhar, District Sakti (C.G.)

... **Respondent(s)**

(Cause Title is taken from CIS System)

For Petitioner : Mr. Ramesh Kumar Nayak, Advocate

For State : Mr. Abhishek Gupta, Panel Lawyer



Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

24/04/2026

1. The petitioner has filed this writ petition seeking following reliefs :

“10.1. That, the Hon'ble High Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.

10.2. That, the Hon'ble High Court may kindly be pleased to direct the respondent authorities to provide the compensation to the petitioners under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

10.3 That, the Hon'ble High Court may kindly be pleased to stay the construction of road over the petitioners land without providing them compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

10.4 That, any other relief, this Hon'ble Court deem fit and proper may also be granted to the petitioner, in the interest of justice.”

2. Facts of the case, as projected in the petition, are that the petitioner is a farmer and recorded owner of land bearing Khasra No. 285/3 situated at revenue village Sukalipali, where he has also constructed his residential house and is residing therein. An existing road, namely the Sakarra–Bhothiya road, connects several villages including Sonadula, Katari, Sukalipali, Suloni,



Dongiya and Chikhalrauda. In view of increasing traffic and upon demand of local residents, the State authorities undertook the work of widening the said road. During the course of such widening, a portion of the petitioner's land was utilized by the authorities. However, no acquisition proceedings were initiated in accordance with law. Aggrieved by the same, the petitioner, along with other affected villagers, submitted representations dated 21.11.2016 before the Sub-Divisional Officer (Revenue), Sakti, and thereafter on 22.11.2016 before the Collector, Janjgir-Champa, seeking grant of compensation for the land so utilized. Despite repeated representations and personal approaches to the concerned authorities, no compensation has been paid. Meanwhile, the respondent authorities proceeded with and commenced construction activities over the petitioner's land without following due process under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Learned counsel for the petitioner submits that the action of the respondent authorities in utilizing the petitioner's land without acquisition and without payment of compensation is arbitrary, illegal and in gross violation of the petitioner's constitutional and statutory rights. It is contended that the petitioner is legally entitled to fair compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is further submitted



that the work of widening of the road has already been started; however, even after commencement of the work, the petitioner has not been granted a single penny towards compensation. The authorities have thus acted in a high-handed manner by forcibly entering upon and using the petitioner's land without adhering to the due procedure established by law.

4. Learned State counsel opposes the submissions made on behalf of the petitioner and submits that the construction of the road has been undertaken for public purpose in accordance with administrative approval. It is contended that the claim of the petitioner regarding non-payment of compensation is a disputed question of fact, and the petitioner has an efficacious alternative remedy to approach the competent authority for redressal of his grievance. It is further submitted that appropriate action, if found due, shall be taken by the authorities in accordance with law.
5. Having heard learned counsel for the parties and upon perusal of the material available on record, it appears that the grievance of the petitioner pertains to alleged utilization of his land for the purpose of widening of the Sakarra–Bhothiya road without following due process of acquisition and without payment of compensation. At the same time, the State has disputed the claim and has contended that the issue involves disputed questions of fact, particularly with regard to the extent of land, if any, belonging to the petitioner that has been utilized for the said purpose.



6. In such circumstances, this Court is of the considered opinion that proper adjudication of the controversy would require factual determination on the basis of demarcation of the land in question. Accordingly, the concerned authorities are at liberty to undertake demarcation of the land in order to ascertain whether the land of the petitioner falls within the area utilized for widening of the road. The petitioner is directed to appear before the concerned authority on a date to be fixed by it. The concerned authority shall issue due notice to the petitioner and ensure his participation at the time of conducting demarcation proceedings. After such demarcation, in the event it is found that the land of the petitioner has been utilized by the authorities for the purpose of road widening, the concerned authorities are directed to initiate appropriate proceedings strictly in accordance with law for acquisition and payment of compensation.
7. With the aforesaid observations and directions, the writ petition stands disposed of.

No orders as to cost.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna