

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 4043 of 2021

Murit Ram Sahu and others **Versus** State Of Chhattisgarh and others

05.10.2021	Mr. Prakash Tiwari and Mr. Shayon Kar, Counsel for the petitioners. Mr. R.K. Bhagat, Dy. G.A. for the State. Heard Learned counsel for the petitioners would submit that pursuant to the initial notification issued in the year 1996, an award was passed on 29.01.1997, the compensation though was assessed of Rs.8,51,459/- as per Annexure P/6 dated 07.11.1998 and the letter was written by the Land Acquisition Officer to the respondent No. 4- General Manager, Daewoo Power India Limited. It is stated that the compensation was paid in part and Rs.3,51,459/- was not paid. The petitioner, therefore, continued in the possession which would be evident from the Khasra Panchshala entry which shows that the petitioner is still in the possession. Therefore, by virtue of Section 24(2) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, the original acquisition shall be deemed to have lapsed. He places reliance in the matter of <u>Delhi Development Authority vs. Archana Khanna</u>

and Others reported in **(2016) 12 SCC 640** and would submit that in view of this, the petitioner cannot be said to be an encroacher and cannot be ousted by virtue of notice Annexure P/1.

Issue notice to the respondents.

Mr. R.K. Bhagat, Dy. G.A. appears and accepts notice on behalf of the respondents No. 1 to 3 & 5 to 7, therefore process fee be paid only for the respondent No. 4.

Considering the facts and circumstances, it is directed that the petitioners may not be forcefully ousted from the possession of their property, if the possession has not been taken away as on date, till the next date of hearing.

List the case after six weeks.

sd/-

(Goutam Bhaduri)

Judge