



2026:CGHC:21520



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4568 of 2021

1. Rajendra Prasad Gupta S/o Late Devnarayan Prasad Gupta
Aged About 63 Years R/o Village Kamhariya, Tahsil Udaipur,
District Surguja (Chhattisgarh)

... Petitioner

versus

1. State of Chhattisgarh Through Secretary, Public Works
Department, Mahanadi Bhawan, Mantralaya, Capital
Complex, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Ambikapur, District Surguja (Ambikapur) (CG)
3. Executive Engineer, Public Works Department, Division
Surajpur, District Surajpur (Chhattisgarh),
4. Executive Engineer, Public Works Department, Division
Ambikapur, District Surguja (Ambikapur), Chhattisgarh
5. Sub-Divisional Officer/ Land Acquisition Officer, Udaipur,
District Surguja (Ambikapur), Chhattisgarh

... Respondents

For Petitioner	: Ms. Jigyasa Singh, Advocate
For Respondents	: Mr. Atanu Ghosh, Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

07.05.2026

1. Petitioner has filed this writ petition seeking following reliefs:-



- “1. That, this Hon’ble Court may kindly be pleased to issue writ/writs, direction/directions, order/ orders to the respondent authorities and they may kindly be directed to acquire the land of the petitioner bearing Khasra No.230, area 0.015 hectare, situates at village Khamariya, Udaipur, Surguja, Chhattisgarh, which has been used for construction of Bisunpur-Odgi road (13 Kms) Ambikapur, Surguja in a manner known to law and they may further be directed to conclude the entire land acquisition proceedings in respect of the land of the petitioner within a stipulated period of three months and they may further be directed to determine the compensation in accordance with law.
 2. That, this Hon’ble Court may kindly be pleased to issue writ/ writs, direction/ directions, order / orders to the respondent authorities and they may kindly be directed to pay the damages to the petitioner for their illegal act of deprivation from right to property, and the respondent No.1 may kindly be directed to initiate the inquiry against the erring officers.
 3. That, this Hon’ble Court may kindly be pleased to grant any other relief (s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”
2. Learned counsel for petitioner submits that the petitioner is owner of land bearing Khasra No.230 measuring 1.003 hectare situated in village Khamariya, Block Udaipur, District Surguja. Respondent Public Works Department has constructed a road including land owned by petitioner and initially proceedings for acquisition of 0.095 hectare land was initiated, compensation was computed under the Right to Fair Compensation and Transparency in Land Acquisition,



Rehabilitation and Resettlement Act, 2013 and amount of compensation so computed was also paid. There is no dispute with regard to award of compensation with respect to area of land forming part of subject matter of acquisition. However, grievance of petitioner is that respondent Public Works Department has constructed the road using excess land of petitioner than acquired. Petitioner submitted an application before the Sub-Divisional Officer, Public Works Department Udaipur District Surguja being the Land Acquisition Officer, for getting his land demarcated. On the application submitted by petitioner. The SDO (R), Sub-Division Udaipur directed the revenue officials of revenue circle / Halka Patwari, to conduct inquiry on the application of petitioner and accordingly, Patwari concerned submitted report dated 22.6.2017, Annexure P-2, mentioning that proposed extension of road is on 0.095 hectare of land and road on an area of 0.015 hectare is constructed since before. At the time of inquiry/demarcation, panchnama was prepared mentioning total area of construction as 0.110 hectare, extension as 0.095 hectare and area of old road as 0.015 hectare. Compensation is paid only in respect of part of land of Khasra No.230 i.e. 0.095 hectare and not of the entire land used by respondent PWD for construction/extension of road and therefore, a direction be issued to respondent authorities to pass the award with respect to the land measuring 0.015



hectare on which road is constructed since before unauthorizedly without acquiring land of petitioner. She also contended that as land of petitioner is used for construction of road, petitioner is entitled for compensation as the land is private property of petitioner. In support of her contention, she places reliance upon decision of Hon'ble Supreme Court in case of **Vidya Devi vs State of Himachal Pradesh and others**, reported in **(2020) 2 SCC 569**.

3. Learned Government Advocate for respondent State vehemently opposes submissions of learned counsel for petitioner and submits that land which was to be used for extension of road, has been acquired by the department, amount of compensation was computed and disbursed in favour of petitioner. He contended that acquisition proceeding was with respect to 0.095 hectare of land only. Compensation of said land has already been computed and paid to the petitioner. From the documents which is relied upon by learned counsel for petitioner, it is clear that old road is constructed on land measuring 0.015 hectare of Khasra No.230, therefore, it cannot be said that respondent PWD has used the said land also for the purpose of extension of road after completion of acquisition proceeding.
4. Heard learned counsel for the parties and perused the documents available on record.



5. Right to property is a constitutional right as provided under Article 300A of the Constitution of India. Claim of petitioner is that he is owner of part of land bearing Khasra No.230. Land measuring 0.095 hectare of Khasra No.230 was acquired for the purpose of extension of road after following due process and petitioner was paid compensation. Claim of petitioner is only with regard to compensation of land measuring 0.015 hectare of Khasra No.230. Document, Annexure P-2, which is relied upon by learned counsel for petitioner, is the enquiry report/ spot inspection report prepared by the Halka Patwari concerned in presence of local residents. In the panchnama prepared on 22.6.2017 it is mentioned that an old road constructed was found on an area measuring 0.015 hectare of Khasra No.230. Extension of road was on 0.095 hectare land of Khasra No.230. Total area in the panchnama as also report submitted by concerned Halka Patwari to the SDO (R) is mentioned as 0.110 hectare.
6. In the aforementioned facts of the case, from the arguments raised by learned counsel for both sides it is clear that the State Government initiated proceeding with regard to land measuring 0.095 hectare of khasra No.230 only and not for entire area of Khasra No.230 on which road is constructed. Even if, on the part of Khasra No.230 situated in village Khamariya i.e. on 0.015 hectare, an old road is found, then



also the fact remains that even after specific pleadings in this regard supported by documents prepared by the Patwari concerned, a government official, and submitted before the SDO (R), learned counsel for respondent State could not able to point out from the return filed in the case that any document is submitted to show that earlier land measuring 0.015 hectare was acquired or any compensation was paid in this regard. Document, Annexure P-2, is not disputed in specific terms.

7. In case of Vidya Devi (supra), Hon'ble Supreme Court has observed as under:-

“13.In the present case, the appellant being an illiterate person, who is a widow coming from a rural area has been deprived of her private property by the State without resorting to the procedure prescribed by law. The Appellant has been divested of her right to property without being paid any compensation whatsoever for over half a century. The cause of action in the present case is a continuing one, since the Appellant was compulsorily expropriated of her property in 1967 without legal sanction or following due process of law. The present case is one where the demand for justice is so compelling since the State has admitted that the land was taken over without initiating acquisition proceedings, or any procedure known to law. We exercise our extraordinary jurisdiction under Articles 136 and 142 of the Constitution, and direct the State to pay compensation to the Appellant.”



8. In the light of above decision of Hon'ble Supreme Court and in the given facts of the case, respondent No.5 herein is directed to get demarcated the land of petitioner bearing Khasra No.230 situated in village Khamariya, Block Udaipur, District Surguja under his supervision and to prepare demarcation report specifying as to the area of the land owned by petitioner used for construction of road. If it is found that excess land of petitioner than the land acquired in the year 2017 is used for the purpose of construction of Bisunpur-Odgi road, respondent No.5 shall direct the authorities to initiate the proceeding for making payment of compensation to the petitioner in accordance with law.
9. The entire proceedings will be completed within a period of six months from the date of receipt of copy of this order.
10. With the above observation and direction, writ petition stands disposed of.
11. Certified copy as per rules.

SD/-
(Parth Prateem Sahu)
Judge

roshan/-