

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 267 of 2015

Bajrang Lal Agrawal S/o Shri Mamanchand Agrawal Aged About 60 Years R/o Dabhra Road, Kharsia, P.O. And P.S. Kharsia, Dist. Raigarh Chhattisgarh

---- Petitioner

Versus

1. Smt. Alarmel Mangai D. District Collector, Raigarh Chhattisgarh
2. Shri A.K. Dhritlahre Sub Divisional Officer (Revenue) Kharsia Distt. Raigarh Chhattisgarh
3. Smt. Krishna Khatik Chief Municipal Officer, Municipal Council Kharsia, Distt. Raigarh Chhattisgarh
4. Shri V.D. Bopche Executive Engineer, Public Works Department, Raigarh, Distt. Raigarh Chhattisgarh

---- Respondents

Shri MPS Bhatia, counsel for the petitioner/s.
Shri Rajendra Tripathi, counsel for respondent No.2.
Shri Lekhram Dhruv, counsel for respondents 3 and 4.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/02/2016

This contempt petition has been filed by the petitioner alleging willful disobedience of order dated 07/05/2014 passed in WP(C) No.347/2014.

2. Learned counsel for the petitioner submits that even though in the spot inspection carried out, the petitioner is not found having encroached upon any Government land or open place not belonging to him, a part of his land has been used for construction and widening of road. According to the order of this Court, the petitioner was entitled to suitable compensation which has not been paid till date.

3. Learned counsel for respondents 3 and 4 submits that though the petitioner submitted claim of compensation but one Vijay Kumar Chhapariya,

claiming to be joint owner and title holder of the land, raised objection stating that he is also entitled to compensation. It is submitted that valuation has already been completed but for want of relevant documents, compensation could not be paid and there was no intention to flout the order of the Court.

4. Query has been made by respondent no.3 vide letter dated 03/12/14 (Annexure R/3). For the purpose of payment of compensation, what is required to be done is to arrive at *prima facie* satisfaction that the land / house belongs to the petitioner, carry out necessary measurement of the land used for widening of the road and then fix the amount of compensation. Unless other claimant obtains interim order from any Court of competent jurisdiction, the compensation directed to be paid by this Court cannot be withheld. Respondent no.3 should proceed to expeditiously decide petitioner's claim of compensation without entering into unnecessary enquiry. Let a decision in this regard be taken within a period of three months from the date of receipt of copy of this order. Whatever amount of compensation is found to be payable, should be paid to the petitioner.

5. The contempt petition is therefore disposed off at this stage with liberty to revive if the petitioner does not get compensation.

Sd/-

(Manindra Mohan Shrivastava)
Judge