

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (C) No.1014 of 2016**

Smt. Manju Devi D/o Manishankar Shukla, Aged About 45 Years  
R/o 2nd Floor, Above The State Bank of India Personal Banking Branch,  
Shanti Nagra, Ring Road- 2, Bilaspur Chhattisgarh.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Udhog, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil and District Raipur Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation Limited, Through Managing Director Udhog Bhawan, 1st Floor, Telibandha, Raipur Chhattisgarh 492006.
3. Sub Divisional Officer, Revenue-Cum-Land Acquisition Officer, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.
4. M/s. Anandi Builders R/o L-7, Vinoba Nagar, Bilaspur Chhattisgarh.
5. Municipal Corporation Bilaspur through Commissioner, Office of Municipal Corporation Bilaspur, District : Bilaspur, Chhattisgarh.
6. State of Chhattisgarh Through Secretary, Department of Urban Administration and Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh.
7. The Chief Secretary Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh.

**---- Respondents**

**Writ Petition (C) No.1553 of 2016**

1. Smt. Abha Jaiswal W/o Dr. Badri Jaiswal, Aged About 63 Years  
R/o In Front of Bihari Talkies, Bilaspur, Chhattisgarh.
2. Dr. Badri Jaiswal, S/o Late Ganesh Prasad Jaiswal, Aged About 63 Years  
R/o In Front of Bihari Talkies Bilaspur Chhattisgarh.

**---- Petitioners**

**Versus**

1. State of Chhattisgarh through The Secretary, Department of Town and Country Planning and Udyog Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil and District Raipur Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation Limited. Through Managing Director Udhog Bhawan, 1st Floor, Telibandha, Raipur Chhattisgarh 492006.
3. Sub Divisional Officer, Revenue Cum Land Acquisition Officer, Bilaspur, Tahsil and District Bilaspur Chhattisgarh
4. M/s Anandi Builders, R/o L-7, Vinoba Nagar, Bilaspur Chhattisgarh.
5. Joint Director, Town & Country Planning Bilaspur Chhattisgarh.
6. Gram Panchayat (Now Nagar Panchayat), Tifra, Bilaspur, Chhattisgarh, Through Chief Municipal Officer.
7. Municipal Corporation Bilaspur, Through - Commissioner, Office of Municipal Corporation Bilaspur, District : Bilaspur, Chhattisgarh.

8. State of Chhattisgarh through Secretary, Department of Urban Administration and Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
9. The Chief Secretary Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)

---- Respondents

**Writ Petition (C) No.1668 of 2016**

1. Rajendra Prasad Jaiswal S/o Late Ganesh Prasad Jaiswal, Aged About 62 Years R/o Shankar Bhawan, Old High Court Road, Opposite State Bank of India, Bilaspur, District Bilaspur Chhattisgarh.

---- Petitioner

**Versus**

1. State of Chhattisgarh Through The Secretary Department of Udhog, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation Limited, Through Managing Director, Udhog Bhawan, 1st Floor, Telibandha, Raipur, Chhattisgarh.
3. Sub Divisional Officer, Revenue- Cum- Land Acquisition Officer, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Respondents

**Writ Petition (C) No.2116 of 2016**

1. Subhash Jaiswal S/o Late Shri Ganesh Prasad Jaiswal, Aged About 53 Years R/o Bharti Nagar, Near Ayappa Mandir Bilaspur Chhattisgarh.

---- Petitioner

**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Udyog Mahanadi Bhawan, Mantralaya Naya Raipur Tahsil and District Raipur Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation Limited, Through Managing Director Udyogbhawan, 1st Floor, Telibanda, Raipur Chhattisgarh.
3. Sub Divisional Officer, Revenue Cum Land Acquisition Officer, Bilaspur Tehsil And District Bilaspur Chhattisgarh.
4. M/s Anandi builders, R/o L 7 Vinoba Nagar, Bilaspur Chhattisgarh.
5. Smt. Manju Devi D/o Mani Shankar Shukla, R/o 2nd Floor, Above the State Bank Of India Personal Banking Branch Shanti Nagar, Ring Road, 2 Bilaspur Chhattisgarh.

---- Respondents

**Writ Petition (C) No.2118 of 2016**

1. Subhash Jaiswal S/o Late Shri Ganesh Prasad Jaiswal Aged About 53 Years R/o Bharti Nagar, Near Ayappa Mandir Bilaspur Chhattisgarh.

---- Petitioner

**Versus**

1. State of Chhattisgarh Through the Secretary, Department of Udyog Mahanadi Bhawan, Mantralaya Naya Raipur Tahsil and District Raipur Chhattisgarh.

2. Chhattisgarh State Industrial Development Corporation Limited, Through Managing Director Udyog Bhawan, 1st Floor, Telibanda, Raipur Chhattisgarh.
3. Sub Divisional Officer, Revenue Cum Land Acquisition Officer, Bilaspur Tehsil and District Bilaspur Chhattisgarh.
4. M/s Anandi builders, R/o L-7 Vinoba Nagar, Bilaspur Chhattisgarh.
5. Smt. Manju Devi D/o Mani Shankar Shukla, R/o 2nd Floor, Above the State Bank of India Personal Banking Branch Shanti Nagar, Ring Road, 2 Bilaspur, Chhattisgarh.

**---- Respondents**

For Petitioners	:	Shri B.P. Sharma, Shri Neeraj Choubey, Shri Himanshu Sinha and Shri ML Sakat, Advocates.
For State	:	Shri S.C. Verma, Advocate General along with Shri Adil Minhaj, Govt. Advocate.
For CSIDC	:	Shri Kashif Shakeel, Advocate.
For Municipal Corporation	:	Shri K. Rohan, Advocate.
For Intervener	:	Shri Malay Shrivastava, Advocate.

**Hon'ble Shri Justice Ravindra Kumar Agrawal**

**Judgment Reserved on 07.11.2023**

**Judgment Delivered on 30. 04.2024**

1. All these writ petitions relates to one and common relief claimed by the respective petitioners and the subject matter being similar in nature, they are being heard and decided together by this common order.
2. For the sake of convenience, the relief claimed in each of the writ petitions is being dealt with separately.
3. WPC No.1014 of 2016 has been filed by the petitioner Smt. Manju Devi seeking a direction to the respondent authorities to firstly measure her land and ascertain as to how much land of the petitioner is required for the purpose of construction of approach road from Raipur-Bilaspur National Highway-200 to Sector-D of Sirgitti industrial area (in short, approach road from NH-200 to Sector-D road) and further a direction to the respondent authorities not to disturb the possession of the petitioner over her land bearing Khasra No.1369/2 and 1370/2 till due acquisition proceeding is carried out by the State Govt. in accordance with law.

4. The petitioner Manju Devi has purchased the aforesaid lands bearing Khasra No.1369/2 and 1370/2 area 1.50 Acre (65400 sq.ft.) situated at village Tifra, Sheet No.45, Plot No.16, Tehsil and District Bilaspur through registered sale deed dated 24.03.20011 from its owner Badri Prasad Jaiswal and she came into possession of the same. After its purchase, the name of the petitioner has been mutated in the revenue records. Subsequent to purchase of said land by the petitioner, when a new High Tech Bus Stand is constructed at Raipur Bilaspur NH-200 at Bilaspur, the respondent No.2, Chhattisgarh State Industrial Development Corporation (in short, CSIDC) has sent a proposal to the State Govt. for construction of 100 feet wide approach road from NH-200 to Sector-D, for which, 8.21 Acres of private land was proposed for acquisition for construction of the said road. Out of 8.21 Acres of required land, 5.97 Acres of land has already been acquired by the State Government and vide letter dated 27.02.2016, the respondent No.2 have made a request to acquire the rest land. In the year, 2014, the respondents No.2 & 4 have started construction of connecting road between NH-200 to Sector-D over the land of the petitioner i.e. Khasra No.1369/2 and 1370/2 without there being any acquisition of land or any payment of compensation. Thereafter, the petitioner moved her representation not to start construction work of road without proper acquisition of her land and payment thereof. Vide order dated 04.03.2014, the respondent No.2 has directed the respondent No.4 to complete the road within 11 months and thereafter the respondent authorities have started construction of road in a very speedy manner and which came upto boundary of the petitioners land. The pole fixed by the petitioner as boundary of her land were uprooted by the respondent No.4 and started again the patch work for construction of the road. Despite repeated request by the petitioner for acquisition of her land under the prevailing acquisition policy of the State Government, neither acquisition

proceedings were started nor compensation were determined by the respondents. Therefore, under the compelling circumstances the petitioner has filed the instant writ petition for aforesaid relief.

5. WPC 1553 of 2016 has been filed by the petitioner Smt. Abha Jaiswal and Dr. Badri Prasad Jaiswal claiming the same relief as claimed in WPC No.1014 of 2016 in respect of Khasra Nos. 1367/13, 1368/5 and 1367/01. In addition, in this petition, the petitioners have also claimed to pay compensation to them. The petitioner Badri Prasad Jaiswal purchased the land bearing Khasra Nos. 1369/2 and 1370/2, Area 1.50 Acres through registered sale deed dated 26.06.1975 from its owner and came into possession of the same. Subsequently, another land bearing Khasra No.1367/9 area 0.06 Acres was also purchased from its owner through the registered sale deed dated 19.02.1980 which was adjoining to Bilaspur-Raipur National Highway. On 04.01.1988, the petitioner No.1-Smt. Abha Jaiswal purchased a land bearing Khasra No.1367/13 and 1368/5 total area 0.28 Acres. The petitioners have mutated their names in the revenue records after its purchase respectively and came into possession of the same. The petitioner No.1 Abha Jaiswal is the wife of petitioner No.2-Badri Prasad Jaiswal. Out of the total land of the petitioners, they have sold 1.50 Acres of land of Khasra No.1369/2 and 1370/2 to Smt. Manju Devi (Petitioner in WPC No.1014 of 2016) through registered sale deed dated 04.11.2009 and delivered possession of the same. Thereafter, after sending proposal to the State Govt, in the year 2014, the respondent authorities started construction of connecting road between NH-200 to Sector-D over the land of the petitioners i.e. Khasra No.1367/13, 1368/5 and 1367/9 without there being any acquisition of land or any payment of compensation, as has been done in WPC No.1014 of 2016. Although the land surrounding to the land of the petitioners have been acquired by the

respondent authorities. Thereafter, the petitioners have filed the instant writ petition claiming aforesaid relief.

- 6.** WPC No.1668 of 2016 has been filed by the petitioner Rajendra Prasad Jaiswal claiming relief that the respondent authorities be directed to follow the acquisition process in respect of petitioners land bearing Khasra Nos.1369 and 1370 of PH No.111 and to grant adequate compensation to the petitioner and further to stop the construction work of road over the land of the petitioner for the loss caused to him. In this petition, the petitioner Rajendra Prasad Jaiswal purchased the land bearing Khasra No.1369 and 1370 situated at village Tifra, Tehsil and District Bilaspur through the registered sale deed from its owner and get his name recorded in the revenue records and came into possession. Thereafter, the respondent started construction of connecting road between NH-200 to Sector-D over the land of the petitioner i.e. Khasra No.1369 and 1370 without there being any acquisition of land or any payment of compensation.
- 7.** WPC No.2116 of 2016 has been filed by the petitioner-Subhash Jaiswal claiming the same relief as claimed in WPC No.1014 of 2016 in respect of Khasra Nos. 1355/4, 1355/6,1369 and 1370. In this petition, the petitioner along with his three brothers have purchased a diverted land situated at village Tifra, Tehsil and District Bilaspur, bearing Khara No.1369/2 - 1370/2, area 1.50 Acres, 1369/3-1370/1 area 1.50 Acres, 1369/5-1370/5 area 1.00 Acre, 1369/4-1370/4 area 1.62 Acres. There was a mutual agreement between all the four brothers with respect to partition of the land and Khasra No.1355/4 area 1.51 Acre, 1355/6 area 1.97 Acre and some portion of Khasra Nos.1369/6 and 1370/5 were allotted in the share of present petitioner-Subhash Jaiswal. Thereafter, the same was recorded in his name in the revenue records and the petitioner Subhash Jaiswal is

in possession of the same. Thereafter, in this case also the respondents started construction of connecting road between NH-200 to Sector-D over the land of the petitioner without there being any acquisition of land or any payment of compensation, as has been done in WPC No.1014 of 2016.

- 8.** In WPC No.2118 of 2016 also, the petitioner-Subhash Jaiswal has again claimed the same relief as claimed in WPC No.1014 of 2016 in respect of Khasra Nos. 1369/5 and 1370/5. The petitioner, in this petition, amongst all other reliefs, has also prayed to quash the demarcation report dated 24.06.2016. The petitioner Subhash Jaiswal purchased diverted land Khara Nos.1369/2 - 1370/2, area 1.50 Acres, 1369/3-1370/1 area 1.50 Acres, 1369/5-1370/5 area 1.00 Acre, 1369/4-1370/4 area 1.62 Acres. After its purchase, in this case also there was a mutual agreement between all the four brothers of the petitioner regarding partition of the land and land of Khasra No.1355/4 area 1.51 Acres, 1355/6 area 1.97 and 1369/5 and 1370/5 has been allotted in the share of the petitioner Subhash Jaiswal. Thereafter, in this case also the respondents started construction of connecting road between NH-200 to Sector-D over the share of land of the petitioner i.e. Khasra No.1369/5 and 1370/5 without there being any acquisition of land or any payment of compensation, as has been done in all other cases.
- 9.** From the above pleadings of the respective petitioners in their writ petitions, the one and common issue involved in all the writ petitions are that they are the owner of their respective land and without there being any proper acquisition of their land and payment of any compensation, the respondent authorities have stated construction of connecting road between NH-200 to Sector-D, which passes through the land of the petitioners, and thereby, the petitioners are put in the loss of their land. Therefore, they claimed a relief that firstly the respondent authorities shall

acquire the land in accordance with law and only after payment of adequate compensation, they may start the construction work of the connecting road there. It is not the case of the petitioners that they are not willing to give their land for construction of the road, but the only claim is that they should be adequately compensated before construction of the connecting road over their land.

**10.** In WPC No.1014 of 2016, on 22.04.2016 this court had directed the respondent No.3, The Sub Divisional Officer (Revenue)-cum-Land Acquisition Officer to get measurement at the spot done in presence of the petitioner by revenue authorities and to submit their report before the court and the case was fixed on 29.04.2016. When the report was not submitted by the SDO (R), Bilaspur on 29.04.2016, again date was fixed for 06.05.2016 for submission of the said report. In compliance of the order passed by this court, on 22.4.2016 a team was constituted for demarcation of the land of the petitioner i.e. Khasra No.1369/2 and 1370/2 admeasuring 0.660 Hect. and ultimately on 09.05.2016 the land of the petitioner was demarcated and Panchnama was prepared which has been filed by the respondent-State, according to which, it has been found by the team of revenue authorities that in presence of the respective parties the land of Khasra No.1369 and 1370 was demarcated and as per alignment of proposed connecting road, some part of Khasra No.1369 and 1370 may be affected whose area would be 0.81 Acre. This report has been submitted by the State on 10.05.2016.

**11.** On 13.05.2016, when again the matter was listed before the court for hearing, the counsel for the State have submitted that the measurement proceeding could not be completed because there are number of occupants and notices have issued to them and the process may take sometime and thereafter this court has granted six weeks time to complete

the process of demarcation and to submit a report before the court. Thereafter, on 09.08.2016, the State has submitted his compliance report of the order dated 13.05.2016 and have submitted that on 06.06.2016 the demarcation of the land of the petitioner was completed and demarcation of Khasra Nos.1369 and 1370 total area 5.87 Acres was done through four corner alignment and Panchnama and spot map was also prepared in which it has been stated that Khasra No.1369/2 and 1370/2 area 1.50 Acres is recorded in the name of petitioner Manju Devi which may be affected while taking alignment of the proposed connecting road of the CSIDC. It is further submitted that the land acquisition proceeding with regard to the affect portion of the petitioner's land has not yet been started and in the even of petitioner's land being taken or is being used for the purpose of construction of said connecting road, proper proceedings under the Land Acquisition Act shall be done.

- 12.** During pendency of the writ petitions, Nagar Panchayat, Tifra was merged in Municipal Corporation, Bilaspur. Therefore, the Municipal Corporation Bilaspur has also been made a party respondents in the petition and the corporation was also noticed. The respondent No.5-Municipal Corporation Bilaspur has filed its reply on 07.10.2023 whereby they have submitted that the entire land under dispute came to be within the territory and jurisdiction of Municipal Corporation, Bilaspur from 20.08.2019. Badri Prasad Jaiswal, Rajendra Prasad Jaiswal, Virendra Kumar Jaiswal, Subhash Kumar Jaiswal and his other family members have moved an application before the SDM Bilaspur for development of a colony over Khasra Nos. 1367/9, 1369/2, 1370/2,1357,1369/3, 1370/2, 1355/7, 1371, 1372/2,1367/10,1368/2,1355/8,1367/11,1368/3,1367/13,1368/5,1075/1Kh, 1075/1ga, 1355/10,1355/5,1367/12,1368/4,1369/4,1370/4 and 1372/1, total area 19.35 Acres. Permission of the same was granted by the SDM Bilaspur and also from the Joint Director, Town and Country Planning,

Bilaspur. From the year, 2003, all the owners of the land admeasuring 19.35 Acres, started selling plots in the name of Jaiswal Colony and in between 2002 to 2008 more than 45 plots were sold by the aforesaid persons.

- 13.** In 2005-06 when new building of High Court of Chhattisgarh was proposed to be constructed at Bodri in Bilaspur-Raipur Highway then the connected area started developing and in view of developing commercial potentiality of the land, and to deprive entrance in the colony to the land purchasers, the family members of the petitioner started litigating to get the layout cancelled and they created a dispute over their own land. Vide order dated 29.11.2005, the SDM Bilaspur has cancelled their layout and the said order was set aside by the Additional Collector, Bilaspur vide its order dated 28.11.2008. The order passed by the Additional Collector, Bilaspur was upheld by the Commissioner Division vide order dated 30.03.2013. Thus, the petitioners have raised dispute after three years of selling their plot. Due to cancellation of layout, the residents of the colony are facing inconvenience and they have no access on the highway as per the sanctioned layout. The colonizers even after cancellation of their layout are involved in selling plots in the colony. The respondent No.5 Municipal Corporation Bilaspur had issued notices to the colonizers under the Chhattisgarh Nagar Palika (Registration of Colonizer, terms and conditions) Rules, 1998 (in short, the Act, 1998) and Section 292C of the Chhattisgarh Municipal Corporation Act, 1956 (in short, the Act, 1956). When their reply was not found to be satisfactory, the Municipal Corporation has lodge an FIR against the colonizers and since the colonizers were acted in violation of the provisions of the Act, 1956, they have taken over the management and control of the illegal colony and proceeded to regularize the colony on the cost and fine for such development and prepared a development plan for the colony.

- 14.** Since the colonizers were acted in violation of Section 242-F of the Act, 1956, the land of the petitioners stand forfeited under Section 292-E, Sub-section(2) of the Act, 1956, and vested the same in the Corporation free from all encumbrance. The Municipal Corporation have further pleaded in their written that the petitioner and his family members were very well aware about the situation of land and sanction of layout before entering in to sale and purchase of the land and at present the land of the petitioner is vested with the Municipal Corporation and therefore, he cannot claim any remedy for grant of compensation or to acquire the same.
- 15.** At this stage it is relevant to reproduce herein various orders passed by this court time to time by which either the State has taken time to complete the acquisition proceeding, or this court has directed to complete the acquisition proceeding and to construct WBM road there-

**“05.10.2016.**

Heard.

Admit.

List these matters for final hearing in due course, however, the land acquisition proceedings drawn on the request of the CSIDC shall continue and the award shall be passed. The amount shall not be disbursed to any of the petitioner.

**13.12.2022**

Heard on IA No.8 and IA No.5 (in WPC No.1553 of 2016) which is an application for impleading the Municipal Corporation, Bilaspur, as a necessary party since the area of the disputed land is one which has now been brought under the ambit of the Municipal Corporation, Bilaspur.

The applications are not opposed.

Accordingly, IA No.8 and IA No.5 (in WPC 1553 of 2016) stand allowed. Let necessary amendments be carried out within a period of two days.

Let a complete set of petition be given to Shri P. Acharya representing Shri Abhyuday Singh, Panel Lawyer for the Municipal Corporation, Bilaspur, who shall seek necessary instructions in respect of the dispute involved in these writ petitions.

Let the petitioner serve a complete set of amended writ petition to Shri Abhyuday Singh for seeking necessary instructions. If required the Municipal Corporation, Bilaspur, may also file their reply by the next date of hearing.

The newly added respondent-Municipal Corporation, Bilaspur, shall also seek instructions as regards the construction of the incomplete road at the disputed area which it is said that out of 1200 meters, 900 meters is already complete and it is only a small patch of 300 meters which needs to be constructed.

Meanwhile, Shri Anshuman Shrivastava, Advocate, may also seek instructions and to file his Vakalatnama in WPC No.1668 of 2016.

**07.07.2023**

Learned Advocate General along with Mr. A.K. Mishra, Government Advocate would submit that 90% of the construction of road has been completed only 10% of the road is remaining because of inter-se dispute between the Municipal Corporation, CSIDC and private parties.

Be that as it may, looking to the rainy reason and difficulty being faced by public at large who are utilising the road, as an interim measure, let WBM road be constructed over the road which has not been finally constructed within 10 days for smooth plying of traffic on the said road and photographs of the same be filed.

**14.08.2023**

These bunch of cases were listed on 22.04.2016 and the respondent No. 3 was directed to get the measurement done in presence of the petitioners and Revenue authorities and submit report. Thereafter, the matters were adjourned on various dates and listed on 13.05.2016, on which date, the respondents were again directed to complete the demarcation work. On 05.10.2026 it was directed that the proceedings with regard to land acquisition shall continue and award shall be passed but the amount shall not be disbursed to any petitioners. Thereafter, on various dates the matters were adjourned. Again the matters were listed on 07.07.2023 on which date it was informed to this Court that 90% of the construction work in road has been completed only 10% of the road is remaining because of inter-ee dispute between the Municipal Corporation, CSIDC and private parties. This Court directed the State looking to the difficulty faced by the public at large to construct WBM road.

Learned Advocate General would submit that construction of WBM road is under process.

Now, the issue involves before this Court is whether earlier order passed by this Court has been complied with or not?

Let the Advocate General involve all the machineries which are required for deciding the issue and make detail and comprehensive affidavit which shall consist of the fact whether the order passed by this Court on 05.10.2016 and earlier have been complied with or not?"

- 16.** Against the order dated 07.07.2023, by which a direction to construct WBM road was given by this court, the petitioner Rajendra Prasad Jaiswal

(petitioner in WPC No.1668 of 2016) filed a Writ Appeal No.340 of 2023 before the Division Bench of this High Court challenging that without there being any proper acquisition of land, the construction of WBM road over his land is against his interest and therefore, construction of WBM road may be stopped. The said Writ Appeal, was disposed of by the Division Bench of this High Court on 31.08.2023 holding that the matter is already subjudic before the authorities concerned i.e. the Collector, Bilaspur and also before this court.

- 17.** The respondents are not disputing the fact that the connecting approach road from NH-200 to Sector-D is proposed to be constructed for which notification under Section 4(1) of the Land Acquisition Act has been published on 26.04.2013 in the Gazette and also in two local newspapers. After public hearing on 05.06.2013, the notification under Section-6 of the Land Acquisition Act has also been published in the Gazette on 27.09.2013 and in two local newspapers on 30.08.2013. Notices under Section-9 of the Land Acquisition Act has also been issued for personal hearing of the affected persons and after completion of all the required procedure, the award has been passed by the land acquisition officer for acquisition of the land of 5.88 Acres of village Tifra, Tehsil and District Bilaspur. The compensation of the acquired land was also determined under the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, the Act, 2013). The acquired land was handed over to the District Commerce and Industries Center, Bilaspur for construction of the connecting road.
- 18.** Initially when the construction of the proposed connecting road was sanctioned, total 10.70 Acres of land was required for the same as per the approved layout plan for which the State Govt. has also given their consent. Subsequently, a revised plan was sent by the Directorate,

Industries by which 8.21 Acres of land was said to be required for construction of the said connecting road. Vide letter dated 16.11.2012, the CSIDC have informed the Collector, Land Acquisition Cell, Bilaspur, that presently they are required 5.97 Acres of private land for construction of said connecting road and therefore, the same may be acquired in accordance with law. Against the said 5.97 Acres of land, 5.88 Acres of land of various persons have been acquired and handed over to CSIDC for construction of the same, but the land of the petitioners are left over from its acquisition although in the initial proposal their land were included under the proposed layout plan and the State Government was also intended to acquire the same.

- 19.** It has further been stated by the parties that out of total length of said connecting road, 900 meters of road has already been constructed and only patch of 300 meters of road remains to be constructed.
- 20.** In furtherance of construction of the road over the land in dispute, proposal for construction of remaining 300 meters of road was sent by the CSIDC to the State Govt. for acquisition of remaining 2.87 Acres of private land on 07.11.2015 under the Land Purchase by Mutual Consent Policy, 2016 (in short, the Policy, 2016), but the same is still pending consideration before the Collector, Bilaspur. Vide letter dated 17.02.2017, the State Govt. has given their consent for acquiring 2.87 Acres of land under the said Policy, 2016. The land of the petitioners comes under these 2.87 Acres which were proposed to be acquired under Policy, 2016.
- 21.** During pendency of the land acquisition proceeding under the Policy, 2016 with respect to 2.87 Acres of land, it has been brought to the notice of the authority that with respect to 2.87 Acres of land, one Shailendra Kumar Jaiswal, who, after entering into agreement with the present petitioners and their family members, have obtained a colonizer license to develop a

residential colony and vide letter dated 29.01.2003 the permission was granted for use of the residential purpose and thereafter in between 2002 to 2008 more than 45 plots were sold by the colonizer. As per the order dated 29.01.2003, there was a condition that the colonizer himself has to construct road in the colony and the land of the petitioners comes under 100 feet wide proposed road in that approved layout. At that juncture, one of the family member of the petitioner Dr. Badri Prasad Jaiswal had made a complaint and asked for cancellation of the development permission of the colony. Despite having their objection, the period for completion of the project was extended time to time in favour of the colonizer. In the year 2007, the extension application of the colonizer has been rejected on the ground that on the date when the application was made for extension, the earlier period granted was already expired and therefore the approved layout has become null and void and that the colonizer has to obtain a new permission under Section 29 of the Act. For this reason, the respondents have said that in absence of any permission regarding approved layout, the same has become null and void on or after 28.01.2007.

- 22.** Since the colonizer Shailendra Kumar Jaiswal was having a dispute with his brother Dr. Badri Prasad Jaiswal and also with his family members, on an application being made by Dr. Badri Prasad Jaiswal, the SDO(R) Bilaspur, has restrained further work of the colony and sale of plots and imposed a penalty of Rs.50,000/- upon the colonizer Shailendra Jaiswal, The said order dated 29.11.2005 passed by the SDO(R) Bilaspur was challenged by Dr. Badri Prasad Jaiswal in an appeal before the Additional Collector, Bilaspur and his appeal was allowed vide order dated 28.11.2008 and the colonization permission was declared ineffective in view of dispute between the parties.

- 23.** The order passed by the Additional Collector, Bilaspur, was further challenged by the colonizer Shailendra Kumar Jaiswal before the Commissioner, Bilaspur Division, Bilaspur. However, vide order dated 30.03.2013, his appeal was dismissed affirming the order passed by the Additional Collector, Bilaspur.
- 24.** Due to said dispute in between the colonizer and his family members, the persons who have purchased plots over the said colony were facing inconvenience as there was no access to the colony from Bilaspur-Raipur NH-200. The said colony is branded as illegal colony as the colonizer have sold the plots even after cancellation of the layout.
- 25.** The proposed connecting road from NH-200 to Sector-D is adjoining to the land of the petitioners. The second phase of acquisition of the land which was required for completion of the said connecting road, the proposal was sent to the State Govt. for purchase of land of the petitioners under the Policy, 2016. The principal approval was granted by the State Govt. on 17.02.2017 for second phase of remaining 300 meters of road, but, in between these writ petitions have been filed in which on 05.10.2016 it was directed that the land acquisition proceedings drawn on the request of the CSIDC shall continue and the award shall be passed, however the amount shall not be disbursed to any of the petitioners.
- 26.** In the present case the proposal for construction of the connecting road from Bilaspur-Raipur NH-200 to Sector-D road has not been denied by any of the parties. The construction of about 900 meters of road after acquisition of land from respective owners have also not been denied by any of the parties. So far as construction of remaining 300 meters of road from NH-200 side is concerned, the main objection raised by the respondents are that the petitioners have initially executed a power of attorney in favour of one Shailendra Kumar Jaiswal who was developing a

colony there and got sanctioned the layout plan of the proposed colony and started selling plots. Ultimately, the completion period of said layout plan was over and he made an application for renewal of the said layout plan after expiry of earlier approval and therefore, the said layout plan was not renewed, however, despite that the plots were being sold by the said colonizer Shailendra Kumar Jaiswal. Since the plots were selling by the colonizer in violation of the provisions of Section 242-F of the Act, 1956 and thereby, the land of the petitioners were vested with the Municipal Corporation and therefore the petitioners are not entitled for any compensation.

**27.** It is notable here that in the year 2013-14 or in the year 2016 when the petitions were filed, the land in dispute was not under the Municipal Corporation Bilaspur. The said disputed land came under the Municipal area in the year, 2019. The respondents are not disputed that the petitioners are not the owners of the land in dispute. The respondents have also contended that there was a family dispute in between the petitioners with respect to subject land and one of the petitioner Dr. Badri Prasad Jaiswal has filed a Civil Suite and also a complaint against the colonizer for cancellation of the said layout plan. However, whatever dispute are there, all those disputes are with respect to apportionment of share of land between the respective family members and it is a inter-se dispute between their family. The respondent authorities cannot deny for awarding proper compensation if the same is acquired for the purpose of construction of the said connecting road from NH-200 to Sector-D.

**28.** It is further the contention of Municipal Corporation that within the left over patch of the said connecting road, under the colonizer license, the said colonizer Shailendra Kumar Jaiswal was required to construct road which comes in the same alignment of the proposed connecting road, and since

the road under the colonizers license have not been constructed by the colonizer, he has violated the provisions of the Act, 1956, and the colonizer license as well as the layout plan itself came to ineffective condition and the lands vested with the Municipal Corporation. The Municipal Corporation Bilaspur, has issued a notice to the said colonizer Shailendra Kumar Jaiswal and others on 06.09.2023 for violation of Chhattisgarh Municipal Corporation and Municipalities (Registration of Colonizer, Terms and Conditions) Rules, 2013, and also the relevant provisions of the Act, 1956. The conditions of Rules, 2013 came in force from the year, 2013 whereas, the plots were already sold in between 2002 to 2006. Since 2002 to 2006 neither the concerned Nagar Panchayat nor the Municipal Corporation have raised any objection regarding selling of the plots without there being any valid colonizer license or in violation of the provisions of Section 292 (C)(2) of the Act, 1956.

- 29.** It is also necessary to mention here that the said colonizer license or layout plan was not cancelled on the ground of violation of any conditions of the said colonizer license or in violation of any layout plant, but it was not renewed on the ground that the application for its renewal was made after expiry of the earlier period of its validity. There is no any specific order that the land of the petitioners have been vested with the Municipal Corporation in violation of any conditions of the colonizer license or layout plan.
- 30.** It is not the submission of the State Government that now they are not willing to complete the said project of construction of connecting road from NH-200 to Sector-D road. The State Govt. is under obligation to complete the said project for which they are required land as per their approved map in which the land of the respective petitioners are proposed to be acquired. For the reasons best known to the State Govt., they have left the

patch of only about 300 meters, but they still required to acquire the land and to complete the said connecting road. The State Govt. cannot simply left over the half constructed road that too without there being any cancellation notification of the said project.

- 31.** The Municipal Corporation, Bilaspur has issued show cause notices to the petitioners on 06.09.2023 under Section 292(C)(2) of the Act, 1956 and called their reply which are still pending consideration with the Municipal Corporation.
- 32.** In the present case, the grievances of the petitioners that they are the owners of their respective lands situated at Village Tifra, Tahsil & District Bilaspur. Their names have been mutated in the revenue records and they are in possession of the same. The respondent No. 2 started construction of road over their land for which their land was neither acquired nor any compensation was paid to them. It is a simple prayer of the petitioners that either to acquire their land and to pay compensation before starting construction of road there, or not to interfere with the possession of their land. Their prayer is quite reasonable. Although, the respondents have raised various grounds that the petitioners have lost their rights over land in question and the subject land vests with the Municipal Corporation and the petitioners are not entitled for any compensation, but the same does not seem to be bonafide. The respondent Municipal Corporation has given notice to the seller of the land on 06-09-2023 for the sale deed executed in between 2003 to 2008 except one or two sale deeds executed in the year 2019. The fact remains that the sale deeds of respective purchasers have not been challenged by any of the parties before any competent court to get it declared null and void. The rights and title have been transferred by the sale deeds in favour of the purchasers and they are title and possession holder of their land until their title are disturbed in appropriate

proceeding. Even, the Municipal Corporation has issued show cause notice on 06-09-2023 and asked for reply as to why the proceeding under Section 292 (C)(2) of the Municipal Corporation Act, 1956, may not be initiated against them.

**33.** When the State Govt. starts any project for the benefit of public at large, it should have completed the project well within time so that the public at large may not suffer for any reason which were not favourable to the State Government. Such an important project started by the State Government after verification of the entire aspects of the project with availability of land, requirement of construction of said connecting road, difficulty in acquisition of land and taking over its possession, payment of compensation and also other allied difficulties. It is for the State Govt. and CSIDC also that if the road is being constructed and completed, the CSIDC would be benefited by their Sector-D Industrial Area Project and they would get direct access from Bilaspur-Raipur National Highway-200. Only because of left over patch of 300 meters, the road could not be completed due to which the persons residing in the adjoining area are also suffering. Considering the inconvenience of the people of adjoining colonies and surrounding areas, this court on 07.07.2023 had directed the State Govt. to construct a WBM road and to maintain the same in rainy season also so that the public at large may not suffer. Such an important project of the State cannot be left over incomplete.

**34.** The State Government with the consultation of CSIDC and Municipal Corporation, Bilaspur, shall take a decision as to whether they still want to complete the said connecting road (NH-200 to Sector- D industrial area, Bilaspur) or not? If, they still want to complete the road, they shall first start the land acquisition proceeding for the remaining patch of connecting road as per their approved layout plan and thereafter shall

start the construction work of the road so that the petitioners may not suffer by indefinite situation. They may use their land for any prospective projects. The State Govt. Shall also keep in mind the incomplete connecting road from NH-200 to Sector-D industrial area, Bilaspur, in view of the fact that the proposed road up to 900 meters have already been completed and only a patch of 300 meters road from NH-200 side remains to be constructed.

**35.** Thus, for the foregoing reasons, all the writ petitions are allowed. The respondents are directed to first acquire the land of the petitioners, if they intend to complete the said connecting road from NH-200 to Sector-D industrial area, Bilaspur, and only after payment of compensation to the respective landowners, they may start the construction work of road. If, the State Government does not intend to complete the construction of road, then they shall not interfere with the possession of the petitioners over their respective lands.

**36.** This order shall not come on the way in any other proceeding which the Municipal Corporation/any other concern/any other party intended to initiate, and the other proceeding shall be decided on its own merits without being influenced by any of the observations made in this order. The remedies of all the parties are left open to claim or challenge the ownership of the land or action of opposite/respective parties in an appropriate proceeding.

Sd/-  
(Ravindra Kumar Agrawal)  
**Judge**