Ajay Agrawal Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Oct. 17, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Ashutosh Pandey, Ishwari Ghritlahre, Sanjay Patel

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The present writ petition has been filed seeking appropriate direction to the respondents to allot separate houses under 'Atal Awas Yojana' in the

village Kurra against the house which was earlier alloted by the respondent No. 2 to petitioner and which has subsequently been demolished on

account of acquisition made by the Government for widening of the National Highway.

2. Contention of the petitioner is that the petitioner have till date neither been given alternate house by the respondent No.2 Board nor has he been

released compensation on account of their loss of residential house.

3. Counsel appearing for respondent No.2 Board submits that so far as the compensation part is concerned, the same has to be received from the

State Government and respondent No.2 Board shall ensure that the entire compensation payable shall be deposited before the concerned authority

under the State Government at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. The petitioner would be

at liberty to claim the said compensation from the concerned authority in the State Government.

4. So far as the allotment of alternate house to the petitioner is concerned, the contention of the learned counsel for the Board is that the Board as of

now does not have any vacant house available at the said locality where the petitioner was earlier alloted house and therefore, the Board at this

juncture is finding it difficult to allot alternate house to the petitioner. However, they would be entitled for the appropriate compensation for the loss of

their house.

5. Given the said facts and circumstances of the case, this Court is of the opinion that since there was no specific understanding between the parties

or a written agreement between the parties or a particular scheme framed by the respondent so far as granting an alternate accommodation to the

petitioner is concerned, this Court is of the opinion that petitioner at best would be entitled for the compensation alone that they are entitled for.

6. Contention of the petitioner is that it has been now more than 3 years that petitioners have been denied both the houses at the first instance and

compensation at the second instance and therefore they should be suitably compensated by way of awarding appropriate interest.

7. Given the said facts and circumstances of the case and also considering the fact that petitioners have been put to loss of their investment made long

ago in the allotment of the house to the respondents and now that the houses which were built in the name of petitioners have been demolished for

widening the road, the petitioners were supposed to be paid appropriate compensation promptly with which they could purchase a separate house

immediately. Now when the petitioners go for purchase of a fresh house they will have to pay the market price prevailing today which definitely by

now must have been increased manifold by passage of time.

8. Given the facts, this Court is of the opinion that respondent would consider payment of interest to the petitioners at the rate of 6% per annum from

the date of acquisition of the property in which the house of the petitioner was till the date of actual payment is made. Let steps be concluded by the

respondent in this regard at the earliest.

9. With the aforesaid observations, the writ petition stands disposed of.