courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 08/11/2025

(2019) 10 CHH CK 0167

Chhattisgarh High Court

Case No: Writ Petition (C) No. 3682 Of 2019

Jeevrakhan Lal Verma	APPELLANT
Vs	
State Of Chhattisgarh And Ors	RESPONDENT

Date of Decision: Oct. 22, 2019

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Vaibhav P. Shukla, Ashutosh Pandey, P. Acharya, 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 house 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 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, the petitioner would be entitled for the appropriate compensation for

loss of 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 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 he is entitled for.

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

compensation at the second instance and therefore the petitioner 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 petitioner has been put to loss of his investment made long ago

in the allotment of the house to the respondents and now that the house which was built in the name of petitioner has been demolished for widening

the road, the petitioner was supposed to be paid appropriate compensation promptly with which he could purchase a separate house immediately. Now

when the petitioner 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 respondents would consider payment of interest to the petitioner 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 taken by the

respondents in this regard at the earliest.

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