

Vishnu Kanti Vs State Of Chhattisgarh And Ors

Court: Chhattisgarh High Court

Date of Decision: Sept. 26, 2018

Acts Referred: Works Of Licensees Rules, 2006 " Rule 3(1), 3(2)

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Sharad Mishra, PK Bhaduri

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. The petitioner owned the land bearing Khasra No.364, area 3.080 hectares situated at village Rameshpur, P.H. No.3, RIC Raghunath Nagar, Tehsil

Wardaf Nagar, District Balrampur (CG), which has been acquired by respondent No.4 in the year 2014 for purpose of construction and erection of

power transmission unit/line.

2. It is submitted by learned counsel for the petitioner that the petitioner has not been paid compensation for the area occupied and the damage caused

to his land.

3. In similar matter viz. Writ Appeal No.169/2013 (Santosh Kumar Rathore and Others Vs. State of Chhattisgarh & Others) and other connected

matters, decided on 12th April, 2013, the Division Bench of this Court has held that under proviso to Rule 3 (1) of the Works of Licensees Rules, 2006

(for short 'the Rules'), it is provided that on objection raised by the owner or occupier of any building or land, the District Magistrate or Commissioner

of Police or any other officer authorized may stay any work or ask the work to be removed or altered and he could also fix compensation under sub-

rule (2) of rule (3) of the Rules. The Division Bench thereafter directed the land holders to raise objection demanding compensation before the

authority entitled to consider it. The appellants therein were directed to file representation before the District Magistrate of the concerned district and

in case such representations are filed, the District Magistrate shall decide it by a speaking order, if possible within 3 months from the date of receipt of

representation.

4. In view of the order passed by the Division Bench, the present writ petition is also disposed of with a direction to the petitioner to prefer a

representation before the District Magistrate seeking compensation for the loss suffered by him on account of installation of power transmission

unit/line over his land, within a period of one month from today and thereafter the District Magistrate is directed to decide the representation, in

accordance with law, within next 3 months.