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**(2018) 08 CHH CK 0311**

**Chhattisgarh High Court**

**Case No:** Writ Petition (C) No. 2354 Of 2018

Laxmi Prasad Chouhan

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Aug. 27, 2018

**Hon'ble Judges:** Prashant Kumar Mishra, J

**Bench:** Single Bench

**Advocate:** Lalit Jangde, AS Kachhwaha

**Final Decision:** Dismissed

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### **Judgement**

Prashant Kumar Mishra, J

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner's land has been used for construction of National Highway No.200 (Bilaspur-

Urdawal) from 238.500 Km to 310.900 Km. However, no compensation has been paid to the petitioner.

3. Admittedly, the petitioner holds the subject land as Kotwar of the village. In the Jamabandi for the year 1924-25, the name of the petitioner's

forefather is entered as holder of the land with caption ""Sarkari Chowkidar"", which means that the petitioner's forefather was holding the land as

service land. In the Record of Right in Form B-1 of the year 2013-14 also, the petitioner's name is mentioned as holder of the land with a note ""non-

transferable"" meaning thereby that the petitioner is not the owner of the land.

4. In view of the above, learned Additional Advocate General is right in his submission that the petitioner not being the owner of the land, is not entitled

for any compensation.

5. However, if the petitioner moves the authorities for grant of service land of the equal area, which has been used for construction of road, out of the total service land held by him, the competent authority may consider his case in accordance with law.
6. The writ petition is dismissed subject to the above observations.