

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 231 of 2015

Raj Kumar Khatri S/o Late Mohan Singh Aged About 35 Years R/o Barpali Post Barpali, Thana Urga, Tehsil Kartala District Korba C.G.

---- Petitioner

Versus

1. South East Coal Field Limited Through Chairman Cum Managing Director, Seepat Raod Bilaspur C.G.
2. The General Manager, South East Coal Field Limited Kusmunda, District Korba C.G.
3. Tahsildar Tahsil Katghora, District Korba, CG

---- Respondents

For Petitioner	: Shri Sanjay Patel, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer
For Respondent -SECL	: Dr. N.K. Shukla, Sr. Advocate with Shri Manoj Yadav, Advocate

Order On Board

16/09/2015

Heard.

1. The petitioner by this petition has assailed the action of respondent authority in encroaching upon petitioner's land, on the allegation that the land of the petitioner was never acquired by respondent -SECL.
2. Learned counsel for the respondents submits that long back in the year 1964, acquisition of land under Coal Bearing Areas (Acquisition and Development) Act, 1957 has taken place and Notification has also been placed on record.
3. Learned counsel for the petitioner disputed that the land which was acquired at that point of time under Notification (Annexure R-1/1) does not relate to the land of the petitioner.
4. After filing of return by the respondents, the present case appears to be a case involving seriously disputed question and facts with regard to area and extent of acquisition and whether it included the land of the petitioner which was recorded in the name of the petitioner's forefather. The matter would require evidence to be led by both the parties. Therefore, looking to the peculiar nature of dispute, appropriate

remedy for the petitioner would be to approach Civil Court for appropriate declaration and injunction against the respondents. In that view of the matter, I am not inclined to entertain this petition. The petition is therefore disposed off with liberty to the petitioner to take recourse to appropriate civil remedy available to him under the law.

5. Considering that the petitioner was granted interim relief by this Court, it is directed that for a period of 2 months, the protective umbrella granted by this Court shall remain in force.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen