

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 42 of 2016**

Jasbir Singh Chawla S/o Late Shri H.S. Chawla, Age 43 Years R/o H-2/133, Narmada Nagar, Bilaspur (Chhattisgarh).

---- **Petitioner**

Versus

1. State of Chhattisgarh Through Chief Secretary, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh)
2. Secretary, Department of Urban Administration and Development, Mahanadi Bhawan, Naya Raipur, Raipur (Chhattisgarh)
3. Collector, Bilaspur (Chhattisgarh)
4. Chief Executive Officer, Jila Panchayat, Bilaspur (Chhattisgarh).
5. Sub Divisional Officer, Bilha, District Bilaspur (Chhattisgarh)
6. Chief Executive Officer, Janpad Panchayat Bilha, Bilaspur (Chhattisgarh)
7. Union of India, Through Its Secretary, Ministry of Rural Development, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.

---- **Respondents**

For Petitioner	:	Shri Ali Asgar, Advocate.
For Respondent/State	:	Shri A.S. Kachhwaha, Additional Advocate General.
For Respondent No.7.	:	Shri N.K. Vyas, Assistant Solicitor General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board

Per, Deepak Gupta, CJ.
07/09/2016

1. This petition has been filed in the public interest on behalf of 81 families who had been re-located from village Telsara to another location in the same village. They are not the land owners of the original land, but they were residing at village Telsara on government

land for a long time. They had to be relocated because the government required 1000 Acres of land for establishment of army cantonment in Chakarbhata area.

2. Though the land owners may have been granted compensation as per the prevailing law, we are not concerned with the same. In this petition, we are only dealing with the case of these 81 relocated families.
3. It is stated on behalf of the State that the 23 families were given the benefits of Indira Awas Yojna who are actually falling under the BPL group and for the rest 58 families who are not BPL card holders, the State itself has recommended their case to be treated under the BPL group.
4. It is not in dispute that on 07.11.2014, a letter was written that out of 81 families relocated in village Telsara, 23 families were given an amount payable under the India Awas Yojna which according to the State is Rs.70,000/-. The remaining 58 families were not paid the said amount. Therefore, a letter was sent to the Chief Executive Officer, Janpad Panchayat, Bilha that they should also be paid this amount.
5. Reference may also to be made to a communication dated 21.11.2014 by the Sub Divisional Officer (Revenue) to the Chief Executive Officer, Zila Panchayat, Bilaspur, in which he has pointed out that these 81 families were being relocated in a portion of land bearing Khasra No.555/1 measuring 5 Acres and there is no facilities of water and/or of drainage in the said area, and therefore, three hand pumps should be bored in the area to make provision for water. It was also mentioned that there is no provision for electricity in this area and therefore, the

persons who have been allotted land in this area are not constructing their houses. Hence, it was recommended that they may be provided electricity. It was also recommended that in this area of 5 Acres where 81 families were to be relocated, measures should be taken to provide concrete road, community hall, Angan Badi centre and main road etc.

6. We are in total agreement with the recommendations made. These are recommendations of the government and what is recommended is the provisions of basic facilities of water, drainage, electricity and basic municipal facilities such as road, Angan Badi centre, community health centre etc.
7. At this stage, we may make a reference to another letter dated 23.08.2013 written by the same authority wherein the SDO(R) has stated that if the cantonment is set up, all the families of village Telsara including relocated families will have no direct access to the main road. This is also required to be considered and it must be ensured that these people have access to the main road as close to Chakarbhata as possible.
8. These facts are not disputed by the State counsel. All that, the State Government in the reply filed has stated that this process is going on and shall be completed as early as possible.
9. We cannot wait till eternity for this process to be completed. The first letter in this regard was written in the year 2014. Two years have been elapsed since then. How can we expect these persons who are the poorest of poor who don't have a roof over their heads and who do not have even basic amenities of water or electricity, to live like human

being with dignity.

10. Article 21 of the Constitution of India has been interpreted many times by the Apex Court. By now the law in this regard is well settled that life does not only mean an animal existence but implies that the citizens of this country should live a decent life with dignity. The right to life includes right to water, right to education, right to good health and all other rights which will be necessary for living a proper human life with dignity. In this regard, reference is made to the judgment of Apex Court in case of **M/s Shantistar Builders Vs. Narayan Khimalal Totame and Others**, reported in AIR 1990 SC 630, wherein it has been held as under :

“9. Basis needs of man have traditionally been accepted to be three – food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a suitable accommodation which would allow him to grow in every aspect – physical, mental and intellectual. The constitution aims at ensuring fuller development of every child. That would be possible only if the child is in a proper home. It is not necessary that every citizen must be ensured of living in a well-built comfortable house but a reasonable home particular for people in India can even be mud-built thatched house or a mud-built fire-proof accommodation.”

11. We therefore, dispose of this writ petition with the following directions:
- That, the State Government shall ensure that the amount payable under the Indira Awas Yojna is paid to the remaining 58 families by 20th October, 2016.
 - That, the State Government shall also ensure that the water and

electricity is provided in the area latest by 31st December, 2016.

- That, the respondent-State shall also take up the issue of providing Angan Badi Centre etc., as per the guidelines and if the case of 81 families is covered for providing separate Angan Badi Centre, then the same shall be provided.
- That, the State shall also examine in consultation with the Ministry of Defence and the Army authorities the feasibility of giving a path to the villagers of village Telsara in such a manner that they do not have to travel a much longer distance, after taking into consideration the requirements and security of the defence establishment.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P.Sam Koshy)
JUDGE