

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.80 of 2014**

Nilima Education Society Kusmunda Throuth Its Chairman, Nilima Sahu, W/o Shri Tribhuwan Sahu, R/o Kalyanpur, PS Kalyanpur, Distt Janjgir Champa (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, New Raipur, Distt Raipur, Cg
2. General Manager, South Eastern Coalfields Ltd, PO Kusmunda Colliery, Kusmunda, Distt Korba (CG)
3. Estate Officer, S.E.C.L., P.O Kusmunda Colliery, Kusmunda, Distt Korba (CG)

---- Respondents

For Petitioner	:	Mr.Saurabh Dangi, Advocate
For State	:	Mr.Bhaskar Payasi, P.L.
For Res.No.2 and 3	:	Mr.H.B.Agrawal, Senior Advocate with Mrs.Prabha Sharma, counsel for respondents No.2 and 3.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/7/2017

1. The petitioner herein impugns legality, validity and correctness of the notice issued by the Estate Officer, SECL, under Section 4 (2) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter called as 'Act of 1971') and also challenges the subsequent proceeding initiated by the Estate Officer, SECL.
2. Learned counsel for the petitioner would submit that the Estate Officer has already made up his mind to evict the petitioner from the land which is in possession of the petitioner. He would further submit that notice issued by the Estate Officer and proceeding initiated for the same has already been closed finding no merit and therefore, initiation of proceeding is bad and unsustainable in law.
3. On the other hand, Mr.H.B.Agrawal, learned Senior Counsel

appearing for respondents No.2 and 3, would submit that notice has been issued strictly in accordance with Form A under sub-section (1) and clause (b) (ii) of sub-section (2) of Section 4 of the Act of 1971 and such a ground can be raised before the Estate Officer.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. A bare perusal of the notice would show that notice has been issued in Form A which is Form of notice prescribed and appended to Rules 1971 to the petitioner and the petitioner is at liberty to file reply and all permissible grounds available before the Estate Officer. The Estate Officer would make an enquiry in accordance with the Act of 1971 and take a decision after hearing both the parties strictly in accordance with law.
6. Since interim order is operating since 17.1.2014, it will remain operative for a period of three months and in the meanwhile, the Estate Officer, SECL, will take a final decision in the matter.
7. With the aforesaid observation, the writ petition finally stands disposed off. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-