

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (PIL) No. 52 of 2016**

Lekhram Kaushik @ Lekhram S/o Shri Radhesyam Kaushik, Aged About 46 Years, R/o Village Barela, Tahsil & District Mungeli At Present Takhatpur, District Bilaspur (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Urban Administration And Development, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, P.S. Raipur, Head Post Office Raipur, Police and Revenue District Raipur (Chhattisgarh)
2. Collector, Bilaspur, District Bilaspur (Chhattisgarh)
3. Chief Municipal Officer, Municipal Council Takhatpur District Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Rev.) Kota District Bilaspur (Chhattisgarh)
5. Tahsildar, tahsil Takhatpur, District Bilaspur, Chhattisgarh.
6. Union Of India Through Principle Secretary Rail Bhawan, New Delhi.
7. D. R. M. (South East Central Railway) Division Bilaspur, Chhattisgarh.

---- **Respondents**

For Petitioner	: Shri M.H. Baig, Advocate
For State	: Shri Y.S. Thakur, Additional Advocate General
For Respondent No.3	: Shri Sunil Otvani, Advocate
For Respondent No.7	: Shri Abhishek Sinha, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board**

Per Thottathil B. Radhakrishnan, Chief Justice

25/08/2017

1. This writ petition is filed in the form of a Public Interest Litigation as regards the immovable property included in Khasra No.429/1 within the jurisdiction of Sub Divisional Officer (Revenue) Kota in District Bilaspur. The dispute raised by the petitioner is fundamentally as to whether the said land on which certain construction activities were being carried on by respondent No. 3-Municipal Council, Takhatpur is land belonging to the South Eastern Central Railway.
2. We have heard the learned counsel for the petitioner, the learned counsel for the Municipal Council, the learned counsel for the Railways and the learned Additional Advocate General for the State, on behalf of the Collector Bilaspur.
3. Going by Annexure R/A produced along with the compliance report submitted by the Collector, the land blocked in Khasra No. 429/1 has been identified and it is stated by the Revenue Authorities, after due enquiry, that the said land belongs to the Railways. The submissions on behalf of Railways are also to the effect that the Municipal Council has unauthorizedly stepped into the land belonging to the Railways. The Municipal Council is now interested in securing what it may have and also to ensure that there is an appropriate connectivity road from Takhatpur to Lormi.
4. The learned counsel for the petitioner may be justified in saying that the Municipal Council had actually hoodwinked the system of

administration of the revenue property and had even given wrong information to the petitioner. But the fact of the matter remains that if the Railways had protected its property with due vigilance as is required, the situation in hand would not have happened.

5. In the present scenario, all that is required is that the Collector, Bilaspur District has to ensure clear demarcation of the land of the Railways separating that from the land which is otherwise available, whether belonging to the Municipal Council or otherwise. Once the land belonging to the Railways is so identified, it is for the Railways to consider and decide as to what it shall do, or how it shall deal with, any construction that may be found in its premises, as attributable to any conduct of the Municipal Council. This will pave way to the Municipal Council having lands which are lawfully available with it to carry forward its public purposes. Such a procedure, if carried out, will also lead to a meaningful result for the issue raised by the writ petitioner who has filed PIL. It will be open to the Collector and the Railways to carry out such measures as would be necessary to ensure that the properties of the Railways and its interests are duly protected.
6. The District Collector, Bilaspur, having regard to the exigencies of the circumstances, is directed to complete the process stated herein above, within an outer limit of one month from the date of receipt of a copy of this judgment. Until then, the Municipal Council shall not carry out any further activities in area of the question. The Collector will also see that the Municipal Council's

interest on the land which it holds, including the need, if any, to put up the public road is also appropriately addressed. This writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge