

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 69 of 2016

- Rajnish Sahu S/o Shri P. R. Sahu, aged about 46 years, R/o Kapil Nagar, Sarkanda, P.S. Sarkanda, Tahsil & District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through : The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P. S. Rakhi, Tahsil & District Raipur (Chhattisgarh)
2. The Municipal Corporation, Bilaspur, Through : The Commissioner, Municipal Corporation, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
3. The Collector, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
4. The Sub Divisional Officer (Revenue), Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
5. The Tahsildar, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
6. Revenue Inspector, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
7. M. L. Mishra S/o Shivdayal Mishra, R/o A- 39, In Front Of C M P D I Colony, Songanga Colony, Chantidih, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)
8. The Son Gangeshwar Temple, Through: President Son Ganga Colony, Chatidih Bilaspur, District Bilaspur (Chhattisgarh)
9. The Son Ganga Colony, Through: President Son Ganga Colony, Chatidih Bilaspur, District Bilaspur (Chhattisgarh)
10. The Regional Director, Central Mine Planing And Desine Institute Head Office S.E.C.L. Sipat Road Bilaspur, District Bilaspur, (Chhattisgarh)
11. The Principal Govt. E. Raghvendra Rao Science P. G. College Sipat Road Sarkanda, Bilaspur, District Bilaspur, (Chhattisgarh)
12. Ramanand Patel, S/o Late Nilamber Prasad Patel, Aged About 70 Years R/o Son Ganga Colony, Chatidih, Bilaspur, District Bilaspur, (Chhattisgarh)
13. Smt. Shashi Singh, W/o Narayan, R/o Son Ganga Colony, Chatidih, Bilaspur, District Bilaspur, (Chhattisgarh)
14. Shriram Sharma, S/o N. V. Sharma, R/o Son Ganga Colony, Chatidih, Bilaspur, District Bilaspur, (Chhattisgarh)

15. Sushil Sahu, S/o Bholu Sahu, Aged About 51 Years R/o Son Ganga Colony, Chatidih, Bilaspur, District Bilaspur, (Chhattisgarh)
16. Anurag, S/o Rajendra Kumar, Aged About 58 Years R/o Son Ganga Colony, Chatidih, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri S.C. Verma, Advocate
For State /		
Respondents 1 & 3 to 6	:	Shri A.S. Kachhawaha, Additional A.G.
For Respondent No.7	:	Dr. N.K. Shukla, Sr. Advocate with Shri Shailendra Shukla
For Respondent No.10	:	Shri Vaibhav Shukla, Advocate
For Respondents No. 13, 15 & 16:		Shri Sunil Otvani, Advocate
For Respondent No.14	:	Shri Manoj Paranjpe, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

03.04.2017

1. We have heard learned counsel for the Petitioner, learned Additional Advocate General and learned Advocates for the private respondents.
2. This writ petition relates to the allegations of the Petitioner raised as Public Interest Litigation pointing out that the private respondents herein are in occupation of lands which are Government lands. The plea was that the 7th Respondent was in unauthorised occupation of a playground which is reserved by the State Government for the BRGA scheme. The 7th Respondent came on the Board and pointed out that there are other persons who are in occupation. It appears that the demarcation report relied on by the Petitioner was also not admitted. In the meanwhile, there is a process of mapping carried out from the Differential Global Positioning System (D.G.P.S.). Resultantly, the State has placed before this Court Annexure R-5 along with submissions dated 29.03.2017 which is stated to be copies of

demarcation report. Considerable disputes are raised by the Petitioner on one hand and the private Respondents on the other regarding the veracity of Annexure R-5 as well as the demarcation report relied on by the Petitioner.

3. The matter relates to land and is essentially within the domain of the Revenue Management by the State. In terms of the Land Revenue Code there is a hierarchy through which adjudication of the disputes can be carried out. The Petitioner, though is only a citizen, not having any individual private personal claim on any parcel which is subject matter of the dispute, he can be treated as one who stands to tell the statutory executive authority concerned about the alleged wrong doing of other citizens.
4. In the aforesaid view of the matter, ends of justice would be satisfied, if the District Collector, Bilaspur considers the demarcation report relied on by the Petitioner and the demarcation report relied on by the State which is Annexure R-5, on the basis of the objections and the submissions which the Petitioner as well as the private Respondents may make before that authority. This will lead to complete adjudication of the claims of the private respondents and objections raised by the Petitioner. Hence, this writ petition is ordered directing that the District Collector, Bilaspur will carry out the aforesaid and render a final decision within the outer limit of six months from the date of receipt of a copy of this judgment. It is so directed, leaving open all issues on facts and laws as between the parties. It is further ordered that the Petitioner and the private Respondents will be at liberty to file objections or other pleadings before the District Collector, Bilaspur to commence the proceeding as aforesaid. To expedite the matter, the parties are directed to mark appearance in the Office of the District

Collector, Bilaspur by 11 a.m. on 17th April, 2017, so that, that office could fix appropriate date listing the matter for consideration by the District Collector. We also clarify that any finality shown to have been attained through the earlier demarcation report as a result of Annexure R-5 demarcation report, will also stand left open for reconsideration by the District Collector, Bilaspur.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge