

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 467 of 2017

1. Tara Singh S/o Sur Singh Aged About 42 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
2. Mukesh Singh S/o Sur Singh Aged About 32 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
3. Amar Singh S/o Mohar Singh Aged About 56 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
4. Jai Singh S/o Mohar Singh Aged About 53 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
5. Ramayan Singh S/o Mohar Singh Aged About 51 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
6. Chamar Singh S/o Mangal Singh Aged About 53 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
7. Jagmohan Singh S/o Parmohan Singh Aged About 53 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
8. Ulas Singh S/o Parmohan Singh Aged About 49 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh
9. Kamal Singh S/o Parmohan Singh Aged About 43 Years R/o Village Nehru Nagar Batari, Police Station Dipka, Tahsil Katghora, District- Korba, Chhattisgarh

---- Petitioners

Versus

1. South Eastern Coalfields Limited Through: Its Chief Managing Director, Head Quarter Seepat Raod, Bilaspur, Chhattisgarh
2. South Eastern Coal Field Limited, Through: Its General Manager, Korba (West) Kusmunda, Now Gevra Area, District Korba, Chhattisgarh
3. The Collector, Korba, District Korba, Chhattisgarh
4. The Sub-Divisional Officer, Katghora, District Korba, Chhattisgarh
5. The Tahsildar, Katghora, District- Korba, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Pushpendra Kumar Patel, Advocate
For SECL	:	Shri Vinod Deshmukh, Advocate
For State	:	Shri Prasunn Bhaduri, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/03/2017

1. The grievance of the petitioners is that the petitioners or the father of the petitioners were allotted small pieces of plots as a measure of rehabilitation in view of acquisition of their land by the SECL. The plots were allotted to them in addition to compensation paid towards acquisition of land. The petitioners have rushed to this Court by filing this petition on an apprehension that the petitioners may be dispossessed from their respective plots illegally, without the authority of Law, without any notice.
2. Learned counsel for the respondent -SECL submits that the apprehension of the petitioners is without any basis. Till date, no notices has been given to the petitioners. He further submits that there may be cases where the plots holders may have encroached upon a land beyond the length and width of the plot allotted to them in the past. In such case, after taking into consideration due measurement in the presence of the parties and giving notice, appropriate action for eviction may be initiated.
3. It appears that the petitioners have filed this petition on the apprehension of dispossession. The documents attached with the petition show that as a measure of rehabilitation, small plots were allotted either to the petitioners or to their predecessor. If the petitioners or their predecessors have been allotted any plot under the rehabilitation scheme and such letter of allotment has been issued in their favour, they are entitled to continue. However, at the same time, if they have encroached upon any other land beyond their own plot, the respondents shall always be at liberty to take action of their dispossession in accordance with Law.
4. By way of abundant caution, it is being observed that in case, respondent -SECL intend to carry out any removal of encroachment, they would be required

to carry out spot inspection and measurement and only after notice, action may be taken against the petitioners. In case the petitioners have any factual disputes with regard to measurement, their remedy would be to approach the Civil Court.

5. The petition is accordingly finally disposed off with the observations as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen