

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (P.I.L.) No. 59 of 2017

- Smt. Khairunnisha Farishta W/o Shri Pappu Farishta, Aged About 47 Years
R/o C 4, Ravi Nagar, E.A.C. Colony, Raipur, Distirct Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough The Secretary, Revenue Department Of Mahanadi Bhawan, Mantralaya, Naya Raipur Tahsil & Distirct Raipur Chhattisgarh
2. The Secretary, Urban Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & Distirct Raipur Chhattisgarh
3. The Secretary, Public Works Department Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & Distirct Raipur Chhattisgarh
4. The Collector, Raipur, District Raipur Chhattisgarh
5. Municipal Corporation, Raipur Through The Commissioner, Municipal Corporaiton Raipur Chhattisgarh
6. The Commissioner, Zone 2 & 3 Municipal Corporation Raipur, Chhattisgarh
7. The Sub Divisional Officer, Raipur, District Raipur Chhattisgarh
8. The Tahsildar, Raipur, 1, District Raipur Chhattisgarh
9. The Director, Town & Country Planning, R.D.A. Building In Front Of Tahsil Office Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri S.C. Verma, Advocate
For State	:	Shri Y.S. Thakur, Addl. Advocate General
For Resp./Corporation	:	Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj Agrawal, 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

29/06/2017

1. We have perused the pleadings of the petitioner and return filed on behalf of the respondents.

2. We have heard learned counsel for the petitioner, learned Additional Advocate General and learned counsel for fifth respondent Corporation.

3. The return filed on behalf of the respondents clearly shows that the competent official respondents are satisfied that there is encroachment over government land as pleaded by the petitioner. The extent of encroachment, the nature of encroachment and the liability of the persons who have allegedly encroached and the modality through which the State will recoup the public land is not to be deliberated or adjudicated in the writ jurisdiction. Therefore, we record the contents of the return dated 27/06/2017 filed on behalf of the respondents and clarify that the official respondents will be at liberty to proceed with and initiate completion of the inquiry, demarcation and identification and all other actions including for recovery of possession as may be found permissible, and in accordance with law, of lands which are occupied by the occupants, if any. We also clarify that this judgment does not amount to taking away any lawful right of any person to raise objections in accordance with law, to any of the proceeding that may be initiated by the official respondents for the aforesaid purposes.

4. Hence, leaving open all the contentions of claims of the persons who are stated to be in occupation and also preserving all the rights of the petitioner to participate, if she chooses to do so, in any proceeding that would be initiated by the State in terms of what is stated in the return dated 27/06/2017, this writ petition is ordered directing that the official respondents shall do needful in accordance with law without fail within an outer limit of six months from the date of receipt of a copy of this order. However, the petitioner need not be given separate notice of all individual proceedings that may be initiated by the official respondents against any of the occupiers.

5. This Writ Petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge