

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.3452 of 2017**

Dhanaudas S/o Gogla Das, aged about 65 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3453 of 2017

Smt. Bhuri Bai @ Banwasa Wd/o Late Shrivprasad Yadav, aged about 58 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3454 of 2017

Smt. Asha Bai W/o Vedram Yadav, aged about 48 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3455 of 2017

Smt. Mehazabin Bano W/o Mohd. Umar Qureshi, aged about 41 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3456 of 2017

Smt. Usha Manikpuri, W/o Dilharan Das, aged about 55 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3457 of 2017

Smt. Dashri Bai W/o Jivrakhan, aged about 60 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3458 of 2017

Smt. Keshar Bai W/o Malik Ram Sharma, aged about 55 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

WPC No.3459 of 2017

Smt. Ramjan Bi W/o Chhotu Azim Khan, aged about 38 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)

4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

And

WPC No.3460 of 2017

Mumtaz Begam W/o Riyaz Hussain, aged about 48 years, R/o Ward No.41, Shanker Nagar, Bandhwa Para, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Commissioner, Municipal Corporation, Bilaspur, District Bilaspur (CG)
3. Collector, Bilaspur, District Bilaspur (CG)
4. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (CG)
5. Executive Engineer, Municipal Corporation, Bilaspur, Distt. Bilaspur (CG)

---- Respondents

For Petitioners	:	Mr.Kishore Narayan, Advocate
For Respondents No.1, 3 & 4	:	Mr.Dhiraj Wankhede, G.A.
For Respondents No.2 and 5	:	Mr.Pankaj Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/12/2017

1. Since common question of law and fact is involved in these batch of writ petitions, they are heard together and are being disposed of by this common order.
2. By way of these batch of writ petitions, the petitioners have prayed that the respondents be restrained from evicting the petitioners from their houses.
3. Mr.Kishore Narayan, learned counsel for the petitioners, would

submit that the petitioners have been granted lease hold rights under the Chhattisgarh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhariti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (hereinafter called as 'the Act of 1984') and this Court in WPC No.3027 of 2017 filed by them directed that decision has to be taken by the High Power Committee constituted by the State Government under Rule 9 of the Rules, 1998 read with Section 3-A of the Act, 1984. He would further submit that without following due process of law as directed by this Court in WPC No.3027 of 2017, respondents No.3 to 5 are evicting the petitioners from the subject lands, which is illegal and bad in law.

4. On the other hand, Mr.Pankaj Agrawal, learned counsel for respondents No.2 and 5, would submit that Mohalla Vikas Samiti has been constituted by the State Government pursuant to order of this Court dated 4.7.2017 and thereafter, meeting of High Power Committee was convened on 23.9.2017 and decision has been taken that the subject lands are required for constructing houses for people of economically weaker sections of the society under the Pradhan Mantri Awas Yojna (Urban) and the petitioners have already been allotted/rehabilitated under IHSDP Scheme in Sai Bhumi Colony, Torwa, which is only 200 meters away from the subject lands and since the petitioners have been directed to be rehabilitated under Rule 9 of the Chhattisgarh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhariti Adhikaron Ka

Pradan Kiya Jana) Rules, 1998 read with Section 3 of the Act of 1984, they are not entitled for any relief as they have not even challenged the order dated 23.9.2017 passed by the competent authority directing rehabilitation of the petitioners.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
6. This Court by order dated 4.7.2017 in WPC No.3027 of 2017 pleased to direct as under:-

“5. Be that as it may, since the decision has to be taken by the High Power Committee constituted by the State Government under Rule 9 of the Rules, 1998 read with Section 3-A of the Act, 1984, the matter is referred to the said High Power Committee which shall consider and decide the matter strictly in accordance with the Act, 1984 and the Rules, 1998 within a period of one month from the date of production of certified copy of this order, after hearing the parties. Interim protection granted earlier on 8-12-2016 shall be operative for a period of forty days from today.”

7. It is the case of the respondents that High Power Committee has been constituted by the competent authority and meeting was convened in the office of the Collector, Bilaspur on 23.9.2017 under the Act of 1984 and the Rules made thereunder and decision has been taken in public interest to rehabilitate the petitioners under IHSDP Scheme in Sai Bhumi Colony, Torwa, which is only 200 meters away from the subject lands and the subject lands are required for construction of houses under the Pradhan Mantri Awas Yojna for the people of economically weaker sections of the society

and that decision has been taken on 23.9.2017 and it is the case of the respondents that the petitioners have refused to accept a copy of that order and as such, the order of the Collector, Bilaspur under the Act of 1984 and the Rules made thereunder has become final as it has not been questioned in the writ petitions. The petitioners cannot succeed in these batch of writ petitions without challenging the order dated 23.9.2017 passed by the competent authority under the Act of 1984 and the Rules made thereunder. Even otherwise, the petitioners have already been directed to be rehabilitated in Sai Bhumi Colony, Torwa, Bilaspur under IHSDP Scheme and they have been allotted houses.

- 8.** Considering the aforesaid fact, I do not find any merit in these batch of writ petitions. However, they will be settled as per decision taken by the competent authority in Sai Bhumi Colony, Torwa, Bilaspur.
- 9.** The writ petitions are disposed off accordingly. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-