

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3264 of 2016

1. Ashutosh Chandel S/o Late Gannalal Chandel, Aged About 40 Years R/o Chikhali, Ward No.6, Rajnandgaon, Tahsil & District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Through Its Secretary, Ministry Of Railways, Rail Bhavan, New Delhi 110001
2. Senior Assistant Divisional Engineer, South Eastern Central Railway, Dongargarh, District Rajnandgaon, (Chhattisgarh)
3. Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
4. Municipal Corporation, Rajnandgaon, Through The Municipal Commissioner, District Rajnandgaon, (Chhattisgarh)

---- Respondent

And

WPC No. 3263 Of 2016

1. Rukmini Pal W/o Shri Raruharam Pal, Aged About 72 Years R/o Chikhali, Ward No.6, Kahairagarh Road, Rajnandgaon, Tahsil & District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Railways, Rail Bhavan, New Delhi 110001
2. Senior Assistant Divisional Engineer, South Eastern Central Railway, Dongargarh, District Rajnandgaon, (Chhattisgarh)
3. Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
4. Municipal Corporation, Rajnandgaon, Through The Municipal Commissioner, District Rajnandgaon, (Chhattisgarh)

For Petitioners	Shri Jitendra Pali, Advocate
For Respondent/Railways	Shri Abhishek Sinha, Advocate
For Respondent/State	Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

06/01/2017

1. Learned counsel appearing for the petitioners would submit that the petitioners are in possession of their respective bhoomiswami lands for which rin pustika have been issued, yet the Railways has issued notices for removal of encroachment treating the land to be belonging to it.
2. Learned standing counsel for the Railways would submit that the petitioners have encroached on the land belonging to the Railways in addition to the land which may belong to them. For the present disputed question of facts are involved in the petitions. He would further submit that on the representation made by several other effected persons, the Railways has decided to demarcate the area and make the area belonging to the Railways free from encroachment.
3. Since the petitioners are also praying for demarcation of the area, in my considered view, both the parties are praying for

and, in fact, the Railway has already decided for conducting demarcation, both the writ petitions are disposed of with a direction that on application being made by the Railways before the concerned Collector, he may direct any of his subordinate Revenue Officer not below the rank of Tahsildar to demarcate the entire concerned area. If on such demarcation the petitioners are found to have encroached on any Railway land, the Railway would be at liberty to proceed in accordance with law for removal of encroachment, however, if the petitioners are found not to have encroached any area belonging to the Railways, they shall not be evicted without taking due course of law.

4. Let the entire exercise be completed within a period of two months from today.
5. Since learned standing counsel for the Railways has undertaken, on instructions, that till the demarcation is carried out the petitioners and other similarly situated persons shall not be dispossessed or evicted, there is no need to pass any protective order at this stage.

Sd/-

Gowri

Judge
Prashant Kumar Mishra