

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 551 of 2018**

Thanu Satnami S/o Latel Satnami, Aged About 55 Years R/o Ward No. 9,
Civil Line, Nawagarh, Tahsil Nawagarh, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
4. The Tahsildar Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
5. The Chief Municipal Officer, Nagar Panchayat, Nawagarh, District Bemetara Chhattisgarh.
6. The Station House Officer, Police Station Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents**WPC No. 574 of 2018**

Faguwa S/o Ghondu Satnami, Aged About 65 Years R/o Nawagarh, Tahsil Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
3. The Sub Divisional Officer (Revenue), Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

4. The Naib Tahsildar, Tahsil, Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
5. The Station House Officer, Police Station Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
6. Mal Jamadar Tahsil Office, Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

WPC No. 577 of 2018

Dashrath Satnami S/o Latel Satnami, Aged About 55 Years R/o Ward No. 9, Civil Line, Nawagarh, Tahsil Nawagarh, District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
3. The Sub Divisional Officer (Revenue), Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
4. The Naib Tahsildar, Tahsil, Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
5. The Station House Officer, Police Station Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
6. Mal Jamadar Tahsil Office, Nawagarh, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Vipin Singh and Mr. Devesh G. Kela, Advocate.
For State	: Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/02/18

1. This writ petition has been preferred by the petitioners being

aggrieved by the notice dated 09.02.2018 (Annexure – P/1) issued by respondent No. 4 - Naib Tahsildar, Tahsil, Nawagarh, whereby the petitioners have been directed to remove the encroachment made over the government land.

2. Learned counsel appearing for the petitioner would submit that the petitioners are residing on the said place since many decades and the impugned notice has been passed without providing any alternative accommodation to the petitioners which is unsustainable and bad in law and, therefore, the impugned notice is liable to be set aside.

3. Learned counsel appearing for the respondents points out that pursuant to the order of Revenue Officer under Section 248 of the Land Revenue Code dated 20.02.2015, the notice for removing the encroachment has been issued to the petitioners which has been challenged in the writ petition whereas it is appealable before the Appellate Authority.

4. I have heard learned counsel for the parties and perused the impugned orders with utmost circumspection.

5. Since, the petitioners have been held to be encroachers on the government land but looking to the fact that they are staying in the said premises for a fairly long time, therefore, their case for rehabilitation requires consideration. The Collector, Bemetara and Naib Tahsildar, Tahsil, Nawagarh are directed to look into and decide the petitioners' representation for rehabilitation in accordance with law expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order.

6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge