

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2789 of 2017**

1. Satvinder Singh, S/o Shri Hardayal Singh, aged about 61 years, R/o Adarsh Colony, Normal School Road, Near Bilaspur University/Old High Court Building, Bilaspur, Tahsil & District Bilaspur (CG)
2. Smt. Ranjit Kaur, W/o Shri Satvinder Singh, aged about 56 years, R/o Adarsh Colony, Normal School Road, Near Bilaspur University/Old High Court Building, Bilaspur, Tahsil & District Bilaspur (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Revenue, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur (CG)
2. The Collector, District Bilaspur (CG)
3. The Sub Divisional Officer (Revenue), Bilha, District Bilaspur (CG)
4. Tahsildar, Bilha, District Bilaspur (CG)

---- Respondent

For Petitioner : Shri MPS Bhatia, Advocate.
 For Respondent/State : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/09/2018 :**

1. Indisputably, the petitioners' land bearing Khasra No.360/1, area 1.00 acre and 360/5, area 0.45 area, total area 1.45 acre at Village Bodri, P.H. No.1, Tehsil Belha, District Bilaspur was taken over by the State Government for the purpose of construction of High Court building. The petitioners agreed at that point of time to receive in exchange equal area of land as per the provisions of the Revenue Book Circular.

By order dated 6.8.2004 (Annexure-P-/1) the petitioners were offered in exchange the land ad measuring 1.61 acre of Khasra No.706/1, village Bodri, District Bilaspur. Out of the said area, the petitioners were handed over vacant possession of 0.52 acre of land, however, the remaining area of 0.93 acres could not be possessed by the petitioners, as the said area is allegedly under encroachment.

2. During these years i.e. from 2004 till date, the petitioners moved before the authorities for grant of possession or for grant of some other piece of land, however, the matter remained inconclusive, therefore, the petitioners have preferred this Writ Petition seeking quashment of the order (Annexure-P/1) dated 6.8.2004 and for issuance of direction to acquire the entire 1.45 aces of land and pay compensation at the prevailing rate.
3. It is argued that for the last about 14 years, the petitioners have not been handed over possession of 0.93 decimal of land, therefore, the petitioners deserve to be compensated by acquiring the land or by allotting some other land of equal value.
4. Per contra, learned State Counsel, referring to Panchnama (Annexure-R/11) dated 31.8.2016, would submit that on more than one occasion the petitioners were summoned to remain present at the spot for obtaining possession of 0.93 decimal land, however, they did not appear on the plea and pretext that the area in question is under encroachment. He would submit that the State Government is ready to hand over vacant possession of the area ad measuring 0.93 decimal to the petitioners under police protection and if the Court

orders, protection can be continued for some more period. He would also submit that strict action shall be taken against the encroacher/s who try to dispossess the petitioners after the possession is handed over to them.

5. In the facts and circumstances of the case and in view of the submission made at the Bar by the State Counsel, the Writ Petition is disposed of with a direction that the Sub Divisional Magistrate, Belha shall take all possible steps under the police supervision to hand over the vacant possession of the area ad measuring 0.93 acres of Khasra No.706/1, village Belha to the petitioners within a period of 21 days from today. After possession is handed over to the petitioners, they shall be provided police protection for a period of one year so that encroachers/miscreants do not interfere with the petitioners' possession. The Collector, Bilaspur is directed to take strict preventive action against the persons who try to re-possess the land from the petitioners by making encroachment. The respondents shall submit action taken report to this Court within 6 weeks.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve