

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1338 of 2012**

1. Vishnu Ram S/o Late Ram Singh Gond, aged about 52 years
2. Mahesh Ram Dhruv, S/o Late Shri Ram Singh Gond, aged about 45 years
3. Chandrahas Gond S/o Narayan Singh Gonh, aged about 35 years,
4. Nand Kumar Gond S/o Ram Singh Gond, aged about 40 years
5. Kanhaiya Lal S/o Shanker Lal Gond, aged about 38 years

All are resident of Village Kharra, Tahsil Kurud, District Dhamtari (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through the Secretary, Revenue Department, DKS Bhawan, Mantralaya, Raipur (CG)
2. District Collector, Dhamtari, District Dhamtari (CG)
3. The Sub Divisional Officer, Revenue, Kurud, District Dhamtari (CG)
4. The Tahsildar Kurud District Dhamtari (CG)
5. Gram Panchayat Kharra Tahsil Kurud, District Dhamtari (CG)
6. Ajay Kashyap S/o Vyas Narayan Kashyap, aged about 36 years, Sarpanch of Gram Panchayat Kharra, Tahsil Kurud, District Dhamtari (CG)

---- Respondent

For Petitioner	Mr. Sachin Nidhi, Advocate
For Respondent/State	Mr. PK Bhaduri, Government Advocate
For Respondents 5 & 6	Mr. DN Prajapati, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra**

12/9/2018

1. Heard.
2. The petitioners are the residents of Village Kharra where the State Government is constructing a tank through the Gram Panchayat, Kharra -respondent No.5. The petitioners have encroached some part of grassland, over which, the tank is constructed, therefore, they have been asked to vacate the area, which they have already done and the construction of the tank has already taken place way back in the year 2012 at the time of filing of the writ petition.
3. Prayer in this petition is for direction to the respondents to consider allotment of some alternative plot to the petitioners for their rehabilitation.
4. Return filed by the Gram Panchayat would indicate that the petitioners are not landless persons and even otherwise, the land in question being grassland, the provisions of *Madhya Pradesh Krishi Prayojan Ke Liye Upyog Ki Ja Rahi Dakhal Rahit Bhumi Swami Adhikaron Ka Pradan Kiya Jana (Vishesh Upband) Adhiniyam, 1984*, is not applicable to the petitioners.
5. Be that as it may, this Court has not stayed the construction of tank while entertaining this writ petition, therefore, the petitioners' prayer for rehabilitation shall be considered by the concerned SDO(R) only if they happen to be landless persons.
6. An enquiry into the petitioners' eligibility be conducted within three months from the date of presentation of certified copy of

this order before respondent No.3, who shall decide the petitioners' competency and eligibility and thereafter, pass appropriate order in accordance with law.

7. The writ petition is accordingly disposed of.

Sd/-

(Prashant Kumar Mishra)

Judge

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