

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2194 of 2018**

1. Sarwar Ali S/o Late Shri Molakhan Aged About 54 Years R/o Village Tiffra, Bharti Nagar, Bilaspur, District Bilaspur Chhattisgarh.
2. Israt Jahan, W/o Tarwar Ali Khan Aged About 52 Years R/o Village Tiffra, Bharti Nagar, Bilaspur, District Bilaspur Chhattisgarh.

--- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Department of Revenue & Disaster Management Mantralaya Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Bilaspur, District Bilaspur, Chhattisgarh.
3. The Tehsildar, Tehsil Bilaspur, District Bilaspur Chhattisgarh.,
4. Municipal Corporation Bilaspur through the Commissioner Municipal Corporation Bilaspur, District Bilaspur Chhattisgarh.
5. Nagar Panchayat, Tifra, through Chief Municipal Officer Tifra, District Bilaspur, Chhattisgarh.

--- Respondents**WPC No. 2195 of 2018**

Baby Bano W/o Mohammad Shagir Khan Aged About 36 Years R/o Village Tiffra, Bharti Nagar, Bilaspur, District Bilaspur Chhattisgarh. ---
Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue & Disaster Management Mantralaya Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh.
2. The Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. The Tehsildar, Tehsil Bilaspur, District Bilaspur, Chhattisgarh.
4. Municipal Corporation Bilaspur, through the Commissioner, Municipal Corporation Bilaspur, District Bilaspur, Chhattisgarh.
5. Nagar Panchayat Tifra, through Chief Municipal Officer, Tifra, District Bilaspur Chhattisgarh.

--- Respondents**WPC No. 2201 of 2018**

1. Balram Madhukar S/o Mukutram Madhukar Aged About 41 Years R/o

Village Tiffra, Bharti Nagar, Bilaspur District Bilaspur Chhattisgarh.,

2. Chiranjeev Sharma S/o Bhuwanlal Sharma Aged About 43 Years R/o Village Tiffra, Bharti Nagar, Bilaspur District Bilaspur Chhattisgarh.
3. Manish Kalariya S/o Manendra Mohan Kalariya Aged About 45 Years R/o Village Tiffra, Bharti Nagar, Bilaspur District Bilaspur Chhattisgarh.
4. Mohammad Shahid S/o Abdul Rajit Aged About 37 Years R/o Village Tiffra, Bharti Nagar, Bilaspur District Bilaspur Chhattisgarh.
5. Y. G. Nandeshwar S/o Bodru Dayaram Nandeshwar Aged About 61 Years R/o Village Tiffra, Bharti Nagar, Bilaspur District Bilaspur Chhattisgarh.

--- **Petitioners**

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue & Disaster Management Mantralaya Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. The Tehsildar, Tehsil Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Municipal Corporation Bilaspur , Through The Commissioner, Municipal Corporation Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Nagar Panchayat Tifra, Through Chief Municipal Officer Tifra, District Bilaspur Chhattisgarh.

--- **Respondents**

For the Petitioners	:	Mr Mahendra Kr. Sisodiya, Mr. Amit Kumar & Mr. Mahesh Gahlot, Advocates
For the State/R-1 to R-3	:	Mr. Anand Dadaria, Advocate
For Respondent No.4	:	Mr. A.S. Kachhawaha, Advocate & Ms. Pushpa Dwivedi, Advocate
For Respondent No.5	:	Mr. Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

(07.08.2018)

1. All the three petitions are directed against the order dated 10.07.2018 whereby the Tahsildar has commenced the

proceedings to demarcate the subject area as per the direction issued by the Division Bench of this Court in W.P (PIL) No. 135 of 2017 in relation to one Madho Talab. Para 7 of the order passed in WP (PIL) No. 135/2017 is relevant here and quoted below:

“7. Hence, respondents 1 to 5 are directed to act in obedience to the directions contained in the decision in *Jagpal Singh v. State of Punjab (2011) 11 SCC 396* and forthwith enforce the restoration of land from unauthorized and illegal occupants to the Gram Sabhas, Gram Panchayats or Nagar Panchayats concerned. This shall be immediately done in relation to Madho Talab in Tifra village of District Bilaspur. In furtherance of the directions given by the Hon'ble Supreme Court to submit reports and having noticed that there is no effective implementation of any such scheme at least as far as Madho Talab is concerned, we direct the 2nd respondent to place a detailed Action Taken Report in relation to the directions in *Jagpal Singh's case (supra)* before the Chhattisgarh State Legal Services Authority through its Member Secretary within a period of 45 days from today. Member Secretary, Chhattisgarh State Legal Services Authority will peruse the said report and place it before the High Court through the Registrar General on the administrative side for further consideration, as may be found necessary by Member secretary, Chhattisgarh State Legal Services Authority. It will also be open to the Chhattisgarh State Legal Services Authority to seek further directions in such matters since it is within the purview of the Legal Services Authorities Act, 1987 to seek directions for furtherance of environmental protection and ecology management. This writ petition is ordered accordingly.”

2. Learned counsel for the petitioners submits that according to the order passed in Revenue Case No.51-A-59/2002-2003, dated 12.03.2003 the land for which the demarcation was carried out was in fact not the water-body but it is purely a grass land.
3. A perusal of the impugned order would show that only the demarcation proceeding has been initiated by the Tahsildar. The petitioners are not able to convince this Court under which provisions of the Land Revenue Code, the water body was converted into a grass land. Be that as it may, since it appears that the Tahsildar is proceeding with the matter according to the direction given by the Division Bench of this Court in W.P (PIL) No. 135 of 2017 for demarcation of land, therefore, at this stage the petitions are premature and devoid of merit. Accordingly, these petitions are liable to be and are hereby dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**