

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 795 of 2018**

1. Satvinder Singh S/o Shri Hardayal Singh, Aged About 62 Years R/o. Adarsh Colony, Normal School Road, Near Bilaspur University/old High Court Building, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Smt. Ranjit Kaur, W/o Shri Satvinder Singh, Aged About 57 Years R/o. Adarsh Colony, Normal School Road, Near Bilaspur University/old High Court Building, Bilaspur, Tahsil And District Bilaspur

---- Appellants**Versus**

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

---- Respondents

For Appellants	: Shri MPS Bhatia, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****05/12/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. I.A. No.01 of 2018 has been filed to condone delay of 10 days in preferring the appeal. For the reasons indicated in the application, the same is allowed. Delay of ten days is condoned.
2. Heard counsel for the parties.
3. The issue is non-delivery of possession of 0.93 acres of land, out of total area of 1.16 acres, which was allotted to the Appellants as an exchange for the land which they voluntarily surrendered for construction of the High Court of Chhattisgarh sometime in the year 2004. Their grievance is that 0.93 acres of land was under encroachment, therefore, the Appellants deserves to be compensated and that amount should be treated to be land acquired under the Land Acquisition Act.

4. The learned Single Judge having examined the factual matrix of the assertion, gave the following direction in para-5, which reads as under:-

“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.”

5. We are satisfied that the order passed by the learned Single Judge does not suffer from any infirmity which requires rectification in appeal, but if the direction of the learned Single Judge is not carried out in letter and spirit with due cooperation of the Appellants, then they have remedy under law.

6. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE