

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2040 of 2019**

Baleshwar Ram S/o Rengt Aged About 40 Years, R/o Village Natwar Nagar, Tahsil- Samri (Kusmi), P.S.- Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh, (Note Complete Name Of The Petitioner Not Mentioned In Annexures)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. The Collector Balrampur Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.
3. The Nayab Tahsildar Samri (Kusmi) District- Balrampur Ramanujganj, Chhattisgarh.

---- Respondents

WPC No. 2049 of 2019

Lakhan S/o Jagpati Aged About 47 Years R/o Village Natwar Nagar Tahsil Samri (Kusmi), P.S. Kusmi, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District- Raipur, Chhattisgarh.
2. The Collector Balrampur- Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.
3. The Nayab Tahsildar Samri (Kusmi) District- Balrampur Ramanujganj, Chhattisgarh.

---- Respondents

WPC No. 2058 of 2019

Indarsai S/o Kamalsai Aged About 40 Years R/o Village Natwar Nagar, Tahsil Samri (Kusmi), Police Station Kusmi, District Balrampur-

Ramanujganj Chhattisgarh. (Note complete name of the petitioner not mentioned in Annexures) ----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. The Collector Balrampur- Ramanujganj, District Balrampur- Ramanujganj Chhattisgarh.
3. The Nayab Tahsildar Samri (Kusmi) District Balrampur Ramanujganj Chhattisgarh.

----- **Respondents**

WPC No. 2068 of 2019

- Luru Ram S/o Ghumda Aged About 75 Years R/o Village Natwar Nagar, Tahsil Samri (Kusmi) P. S. Kusmi, District Balrampur- Ramanujganj Chhattisgarh

----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Of The Revenue Department, Capital Complex, Mahanadi Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh
2. The Collector Balrampur-Ramanujganj, District Balrampur- Ramanujganj Chhattisgarh
3. The Nayab Tahsildar Samri (Kusmi) District Balrampur-Ramanujganj Chhattisgarh

----- **Respondents**

WPC No. 2066 of 2019

Chamku S/o Lakhpati Barga Aged About 65 Years R/o Village Natwar Nagar, Tahsil Samri (Kusmi), Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh.

----- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. The Collector Balrampur- Ramanujganj , District Balrampur-

Ramanujganj Chhattisgarh.

3. The Nayab Tahsildar Samri (Kusmi) District Balrampur Ramanujganj Chhattisgarh. **---- Respondents**

WPC No. 2067 of 2019

Mahendra S/o Fengta Aged About 38 Years R/o Village Natwar Nagar Tahsil Samri, (Kusmi) Police Station Kusmi, District Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. The Collector Balrampur-Ramanujganj District Balrampur-Ramanujganj Chhattisgarh.
3. The Nayab Tahsildar Samri (Kusmi) District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

WPC No. 2059 of 2019

Ramvriksha S/o Chamku Aged About 35 Years R/o Village Natwar Nagar, Tahsil Samri (Kusmi) Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of The Revenue Department Capital Complex Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. The Collector Balrampur Ramanujganj District Balrampur, Ramanujganj Chhattisgarh.
3. The Nayab Tahsildar Samri (Kusmi) District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For Petitioners : Shri Akath Kumar Yadav, Advocate.
 For Respondent/State : Shri R.S. Bhagel, Dy. A.G. with Shri Rahul Jha, G.A., Shri Rajesh Singh, Dy G.A., Shri Avinash

Singh, Shri Ashish Surana, Shri Anshuman Shrivastava, & Shri Aditya Bhardwaj, Panel Lawyers.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/06/2019

1. Since the cause of action and the facts involved in all these petitions are one and the same, they are being decided by this common order.

2. The present petitions have been filed claiming the following reliefs:-

10.1 That this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the present case.

10.2 That this Hon'bl Court may please to quash the impugned order dated 22.05.2019 (Annexure P/1) passed by the Nayab-Tahsildar Samri (Kusmi), Tahsil Samri(Kusmi), District-Balrampur-Ramanujganj (C.G.)

10.3 That this Hon'bl Court may further be pleased to quash the Eviction Order Notice dated 12.06.2019 (ANNEXURE P2) issued by the Nayab - Tahsildar Samri (Kusmi), Tahsil-Samri (Kusmi), District-Balrampur-Ramanujganj (C.G.)

10.4 That this Hon'ble Court may further be pleased to direct the respondent authority to grant the lease to the petitioner or pass any other order in favour of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.

3. Perused the impugned order.

4. The petitioners claim that they are in the possession of the subject land for the last 50 years and the Gram Panchayat has also provided the electricity and other amenities and further the Indira Awas certificate has also been issued to them whereby they carry on their livelihood and are residing therein with their families. It is contended that, all of a sudden, if the petitioners are evicted, they will render homeless which would affect their livelihood.
5. Learned counsel further submits that the petitioners do not possess any house of their own and they belong to a downtrodden society and in a over night they cannot have their own arrangements, which will lead to eventual starvation.
6. Perused the order passed by the Land Revenue Authority. At the outset, I do not find any merit in the petitions to entertain the same.
7. Considering the nature of the order passed, I do not find any illegality warranting interference in it. However since the petitioners have claimed that they are forced to vacate the houses, and as claimed, they are in possession and enjoyment of the subject land for the last 50 years after construction of their houses and the over night dispossession of the petitioners will definitely lead to irreparable injury besides the question of livelihood and shelter.
8. Under the facts situation of this case, it is directed the petitioners, if so advised, shall make suitable application to the

Collector to rehabilitate them according to the existing policy, if any. On such application being filed, the Collector may take recourse to such policy of the State for rehabilitating the petitioners elsewhere. However, considering the ensuing rainy season, there shall be stay of the impugned order/ notice for a period of 6 weeks. The petitioners shall submit application to the Collector within a week from the date of receipt of a copy of this order which may be decided and considered by the Collector within a further period of 4 weeks.

9. With such observation these petitions stand disposed of.

10. It is made clear that this order shall not be treated as precedent in future as this order has been passed in the peculiar facts and circumstances prevailing as on date.

Sd/-

(Goutam Bhaduri)
Judge

Jyoti