

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 651 of 2015**

Bhojram Patel, S/o. Jagatram Patel, Aged About 63 Years, R/o. Village Temar (Sakti) Tahsil & Police Station Sakti, District Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. Union Of India, Through the Railway Department, Ministry Of Railway, New Delhi, Delhi
2. The General Manager, South Eastern Central Railway, Head Office Bilaspur, District Bilaspur, Chhattisgarh
3. The Rail Manager (Engineer) South Eastern Central Railway Bilaspur Chhattisgarh
4. Senior Regional Engineer, Railway Track, South Eastern Central Railway, Champa, District Janjgir Champa Chhattisgarh
5. Senior Divisional Engineer, Railway Track, South Eastern Central Railway Baradwar, District Janjgir Champa, Chhattisgarh
6. The Regional Engineer, Railway Track Inspector, South Eastern Central Railway, Sakti District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For Respondents	:	Mr. Abhishek Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.08.2019

Heard

1. The contention of the petitioner is that he owns a land bearing Khasra No.121/2, 122/2 & 122/3 at village Temar, Tahsil Sakti, District Janjgir-Champa. It is contended that the Railways without lawful acquisition of land have erected polls and have laid down the track over such land and no compensation has been paid.
2. Per contra, learned counsel for the Railways would submit that the Railways have not taken over any land which belongs to the petitioner instead the petitioner is trying to encroach upon the Railways land which normally lays

along side of the track; therefore, whether the actual encroachment is made or not by petitioner itself factual aspect are to be ascertained as to whether the Railways have encroached upon the land of the petitioner or petitioner has encroached upon the land.

3. Since the petitioner contends that Railways have encroached upon his land whereas the Railways denied the same, in view of such facts, which can be ascertained only by demarcation of land, the respective Tahsildar of the concerned area is directed to carry out the demarcation in respect of the land which belongs to the petitioner and shall give a report as to whether the Railways have encroached upon the land of the petitioner or not or instead petitioner has encroached on land along side railway track. The demarcation process may be carried out within a period of six months. After the demarcation report is received, if it is found that the Railways have encroached upon and in possession of the land of the petitioner, then in such case due acquisition proceeding for land should be adopted since nobody can be deprived from his property otherwise than in due course of law.
4. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge