

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1014 of 2020

1. Sajjan Kumar Sharma, S/o Late Shri Dulichand Sharma, Aged About 55 Years, R/o Kotra Road Heerapur Raigarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management Mahanadi Bhawan New Raipur, District : Raipur, Chhattisgarh
2. Collector Raigarh, District : Raigarh, Chhattisgarh
3. Sub Divisional Officer (Revenue) Raigarh, District : Raigarh, Chhattisgarh
4. Tahsildar Raigarh, District : Raigarh, Chhattisgarh
5. Sub Engineer, Public Work Department, Bridge Construction Division Raigarh, District : Raigarh, Chhattisgarh

-----Respondents

For Petitioner	: Mr. Vimal K. Tondy, Advocate.
For State	: Smt. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.05.2020

1. The challenge in the present writ petition is to the impugned notice Annexure P-1, whereby the petitioner has been asked to remove the encroachment that he has made on a Government property.
2. Perusal of the record shows that the petitioner has already made a representation Annexure P-2 dated 16.03.2020. In the said representation, the petitioner has sought for a relief for either grant of compensation or a right over the said property or he may be

considered to rehabilitate suitably.

3. The State counsel referring to the impugned notice submits that the land over which the petitioner had encroached is now required for the construction of an over-bridge for the Howrah- Bombay Rail Route and, therefore, the petitioner would not be either entitled for compensation or any right over the said property.
4. At this juncture, the counsel for the petitioner submits that the respondent no. 2 may consider grant of some suitable alternate land, considering the petitioner to be homeless and landless.
5. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed off directing the Respondent No. 2 Collector-Raigarh to verify the claim of the petitioner and consider whether he can be suitably granted some other land, if he is able to satisfy the Respondent No. 2 considering that he is a homeless and landless person. Let a decision be taken at the earliest in this regard. So far as the impugned notice is concerned, since admittedly from the pleadings it appears that the petitioner is an encroacher and the land, which is occupied by the petitioner is required for the public purpose for an over-bridge. This Court does not find any strong case made out by the petitioner for interfering with the impugned notice Annexure P-1.
6. With the aforesaid observation, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge