

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1015 of 2020

1. Santoshi Bai, W/o Shri Chaitlal, Aged About 45 Years, Caste Uraon, Resident Of Awas Mohalla, Ward No. 06, Belgahana, Tahsil Takhatpur, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Revenue, Mahanadi Bhawan New Mantralaya Naya Raipur, District : Raipur, Chhattisgarh
2. Collector, Bilaspur District Bilaspur, Chhattisgarh
3. Tahsildar, Tahsil Takhatpur, District Bilaspur, Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Takhatpur, District Bilaspur Chhattisgarh
5. Sarpanch, Gram Panchayat Belgahana, Block Takhatpur, District : Bilaspur, Chhattisgarh

-----Respondents

For Petitioner	: Mr. Basant Kaiwartya, Advocate.
For State	: Mr. V. R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.05.2020

1. The dispute in the present writ petition is in respect of the resolution passed by the respondents asking the petitioners to vacate the house and the land in their possession, which is being said to be used for construction of "Goathan".
2. The contention of the counsel for the counsel for the petitioner is that, the petitioner is in possession of the said property for more than 20 years and is earning livelihood by living at the same place. The

further contention of the counsel for the petitioner is also that the decision for evicting the petitioner is also in contravention to Section 237 of the Chhattisgarh Land Revenue Code. The petitioner has also submitted that there are enough suitable other property available in the village where the "Goathan" can be constructed and the State authorities would consider the construction of "Goathan" in a different open place available in the village.

3. At this juncture, the learned Additional Advocate General appearing for the Respondent No. 1 to 3 submits that the writ petition itself may be disposed off directing the Respondent No. 02 i.e, District Collector to consider the grievance of the petitioner by exploring possibility of shifting the location of "Goathan" to a different place and also consider the grievance of the petitioner in a more pragmatic manner.
4. Considering the submission made by the counsel for the either side, this Court is of the opinion that the writ petition itself can be disposed off directing the Respondent No. 2 to consider and decide the claim of the petitioner which includes exploring the possibility of shifting Goathan to a different open place available in the village and also ensure that provision 237 of Chhattisgarh Land Revenue Code is adhered to.
5. The present writ petition, accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge