

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1294 of 2020

1. Shyamharan Verma, S/o Late Shri Ram Ji Verma, Aged About 60 Years
2. Ramesh Verma, S/o Shri Shyamharan Verma, Aged About 40 Years, Both R/o Daihan Para, Gram Panchayat Karra, District : Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Urban Development Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar Raipur, District : Raipur, Chhattisgarh
2. The Collector, District : Bilaspur, Chhattisgarh
3. The Tahsildar Masturi, District : Bilaspur, Chhattisgarh
4. The Naib Tahsildar Masturi, District : Bilaspur, Chhattisgarh
5. The Station House Officer, Police Station Masturi, District : Bilaspur, Chhattisgarh
6. The Gram Panchayat Kara, Through Sarpanch Tahsil And P.S. Masturi, District : Bilaspur, Chhattisgarh
7. The Patwari P.H. Kr 24, Tahsil Masturi, District : Bilaspur, Chhattisgarh
8. Shri Sushil Khande, Presently Posted As Patwari, P.H. Kr 24, Tahsil Masturi, District : Bilaspur, Chhattisgarh

-----Respondents

For Petitioners	: Mr. Vivek Shrivastava, Advocate
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For State	: Mr. Jitendra Pali, Dy. A.G.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.06.2020

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 15.06.2020 directing the petitioners to evict the

land over which they are residing by the 16th of June, 2020, failing which the respondents would be initiating demolition proceedings and shall demolish the house over which the petitioners are residing.

2. The contention of the counsel for the petitioners at the outset is that the petitioner is in possession of the said house even prior to independence of India and that his family has been residing there for decades and earning livelihood from the said house. The further contention of the counsel for the petitioners is that abruptly vide Annexure P-1, for the first time, the petitioners have been issued with the impugned notice by the patwari, of, P.H. No. 24, Tahsil : Masturi, District: Bilaspur. The further contention of the counsel for the petitioners is that the said property in fact as per the panchayat records is shown as a Government land as it would be evident from the map issued by the Panchayat Department which has been enclosed with the writ petition which reflect the property to be a Government land. The further contention of the counsel for the petitioners is that now the monsoon has already arrived it would be difficult for the petitioners to firstly find an alternative site and secondly to relocate the entire family from the present place of residence and, therefore, the petitioners may be granted some reasonable time within which the petitioners may approach the authorities in the State Government for an alternative suitable land, so as to enable the petitioners to rehabilitate themselves and for resettlement of the entire family.
3. Till then, the respondents may be restrained from carrying out any demolition activities over the house where the petitioners are

residing.

4. Opposing the petition, learned Advocate General submits that it is a case where the petitioners reside is a private land belonging to the a educational institutional ie., J.K. Institute. It is further submitted by the State counsel that the respondent-authorities had already initiated proceedings against the petitioners u/s 133 1(D) of the Cr.P.C. where there is already an order passed by the S.D.M on 03.10.2019. The said order has not been challenged and thus has attained finality. Therefore, the petitioners do not have any further right in their favour. It was further contended by the learned State counsel that in fact the petitioners do not have any right whatsoever either documentary or oral in their favour to show that the land over which they are residing has been allotted to them. This fact is not disputed by the counsel for the parties also.
5. Considering the entire facts and circumstances of the case, particularly taking note of the fact that monsoon has already arrived, this Court is of the opinion that ends of justice would meet, if reasonable period of time is granted to the petitioners for making an alternative arrangement for moving from the present place. The petitioner is at liberty to either approaching the State authorities for getting an alternative land allotted by way of some lease/patta or the petitioners shall make their own arrangement. This relief in fact, learned counsel for the petitioners had also sought for, for grant of some reasonable time enabling them to make for alternative suitable arrangement for reallocation.
6. Considering all the aforesaid facts, this Court is of the opinion that

ends of justice would meet, if the petitioners are granted forty five days' time for making their own alternative arrangement. Meanwhile, they should ensure removing of all the articles from the present place to the alternative place/site. In between for a period of forty five days, the respondent-authorities are directed not to initiate any coercive steps of demolition of the residential house of the petitioners. However the Respondents may resume their proceedings beyond the period of forty-five days only. Meanwhile, the petitioners are also at liberty to approach the State-authorities ie., Collector for claiming an alternative suitable land by way of lease or by issuance of patta under any of the schemes that are in operation or prevailing in the State Government.

7. With the aforesaid direction and observation, the writ petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge