

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1426 of 2020**

Pushram Bhagat S/o Late Prem Lal Bhagat Aged About 36 Years R/o Village Banjikhola, Tahsil Tamnar, District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Sub Divisional Officer (Revenue) Gharghora, District Raigarh, Chhattisgarh.
2. Tahsildar Tamnar District Raigarh, Chhattisgarh.
3. Station House Officer Of Police Station Tamnar District Raigarh, Chhattisgarh.
4. M/s Hindalco Industries Limited Garepelma IV/4 Mines Banjikhola, Tahsil Tamnar, District Raigarh, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Surfaraz Khan, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

22/07/2020

1. The grievance of the petitioner in the present writ petition is the proceedings Annexure P/1 initiated by the Tahsildar Tamnar, District Raigarh, whereby the Tehsildar has initiated eviction proceedings against the petitioner.
2. The relevant facts for consideration in the present case is that the petitioner owns a land at khasra No. 48 measuring 0.430 hectare at village Banjikhola, Tehsil Tamnar, District Raigarh. He has a house constructed over the said land and where he is residing with his entire family consisting of about 20 members. According to the petitioner, he had one more house in the location which has since been demolished after the petitioner was paid the compensation by the respondents, upon the government granting Surface Right of the

said property to respondent No.4 for mining activities. The only contention of the petitioner in the present writ petition is that he is entitled for the compensation for the present house also, in which he is presently residing and the moment he is paid the compensation he will vacate the said premises also.

3. The State counsel however opposing the petition submits that from the documents enclosed along with the writ petition, it reflects that the petitioner as early as in the year 2014 itself was paid an amount of Rs. 65,19,244/- as compensation for the entire chunk of land which was taken by the government for grant of Surface Right to the respondent No.4. The further contention of the State counsel is that since they have already been paid the compensation for the entire chunk of land, they would not be entitled for any further compensation and therefore the eviction proceedings initiated does not warrant any interference at this juncture.
4. The learned counsel for the petitioner at this juncture mentions that let the petitioner approach the Sub-Divisional Officer respondent No.1 in the instant case by making a suitable representation, who may decide as to whether the petitioner is entitled for compensation for the house in which he presently resides or not and if he is entitled for the same, let the Sub-Divisional Officer direct the concerned authorities for payment of compensation and if he is not entitled for compensation, the petitioner may have the liberty to challenge the same before the appropriate Civil Court and the petitioner be protected only for the period during which the petitioner approaches the Sub-Divisional Officer from being forcefully evicted.

5. The said submission of the counsel for the petitioner seems to be fair and reasonable. Accordingly, let the petitioner approach the Sub-Divisional Officer (Revenue), who is also the Land Acquisition Officer for that area and let the petitioner move a detailed representation in respect of his claim and the Sub-Divisional Officer in turn may decide whether the compensation paid to the petitioner in the year 2014 was inclusive of the land over which house of the petitioner presently locates and whether the petitioner is entitled for any further compensation for the house. The petitioner should approach the respondent No.1 within a period of 7 days from the date of receipt of the copy of this order.
6. Let the Sub-Divisional Officer take a decision at the earliest, till then it is ordered that the Tahsildar i.e. the respondent No.2 shall not take any coercive steps by forcefully evicting the petitioner from the said land. However, after the decision of the Sub-Divisional Officer, the respondent No.2 shall have the liberty to proceed further with the eviction proceedings.
7. It is also made clear that the order passed by this Court would not come in the way of the Tahsildar in continuing with the eviction proceedings except that he shall not take any coercive steps for getting the petitioner evicted forcefully from that premises till the Sub-Divisional Officer decides the representation of the petitioner.
8. With the aforesaid observations, the present writ petition stands disposed of.

Certified copy today.

Sd/-
(P. Sam Koshy)
Judge