

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1473 of 2020

1. Hirede Ram Patel S/o Parsadi Ram Patel Aged About 65 Years R/o Village - Bhalpahri Plot, Post Madmada, Gram Panchayat Bhalpahri, Tehsil Bodla, District- Kabirdham (Kawardha) Chhattisgarh.
 2. Smt. Jagiya Bai W/o Shri Bisan Patel Aged About 70 Years
 3. Smt. Ratan Bai W/o Shri Ramchand Patel, Aged about ...
 4. Smt. Bhagelin Bai W/o Shri Sidhram Patel Aged About 45 Years
- Above all are R/o Village - Bhalpahri Plot, Post Madmada, Gram Panchayat Bhalpahri, Tehsil Bodla, District- Kabirdham (Kawardha) Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Ministry of Urban Administration and Development, Mahanadi Bhawan, Mantralaya, Naya Raipur.
2. The Director Directorate of Urban Administration and Development, Naya Raipur.
3. The Collector District Kabirdham Chhattisgarh.
4. The Tehsildar Tehsil Bodla District Kabirdham.
5. The Gram Panchayat Bhalpahri Through Sarpanch Gram Panchayat Bhalpahri, District Kabirdham Chhattisgarh.

---Respondents

For Petitioners	:	Shri Sameer Uraon, Advocate.
For Respondent-State	:	Shri Sidharth Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.08.2020

1. The challenge in the present writ petition made by the petitioners is to the action on the part of the respondents in carrying out the construction of paddy centre entering upon the private property belonging to the petitioners.
2. The contention of learned counsel for the petitioners is that the property which situates in Khasra Nos. 166,162,161/1,161/2 and 163/2 in the village Bhalpahri, Tehsil Bodla, District Kabirdham, are the exclusive property owned by the petitioners and their family since ages and the petitioners have documents in this regard in their possession and in the revenue records also the name of the petitioners are reflected. However,

recently on a decision of the State Govt. to construct a paddy centre, they had marked the area adjoining the petitioner's property and have also in the process of marking entered into the private property of the petitioners and have put a fencing into the private property of the petitioners depriving the petitioners their right to cultivate over their land. The petitioners have also made a submission that they have already approached the respondents No.2&3 for firstly demarcating the property belonging to the petitioners and secondly to stay the construction of paddy centre as of now till demarcation is done. According to the petitioners, if proper demarcation of petitioners property is done, it would be clear whether the respondents have entered upon the petitioners property in the course of demarcating the area for construction of paddy centre or not and that could lay to rest the whole issue.

- 3.** Given the said submissions by the learned counsel for the petitioners, this court is of the opinion that the writ petition itself can be disposed of at this juncture directing the respondents No.3&4 to consider the grievance of the petitioners and to take proper steps by issuing necessary instructions to the concerned officer for getting the private property of the petitioners demarcated ensuring that construction of paddy centre is not made by entering upon the private property belonging to the petitioners.
- 4.** Let the respondents No.3&4 take a decision on the applications filed by the petitioners at the earliest. Meanwhile, it is ordered that the area which the petitioners are claiming to be their private property, no construction of boundary wall be made till a decision is taken by the respondents No.3&4 by proper demarcation of their property and also by ascertaining the title of the petitioners over the said property. However, the Respondents State would be entitled to carry out with the construction of paddy centre on the

other portion of the land other than the land over which the petitioners are claiming their right. Meanwhile, the petitioners would also be entitled for cultivating on the said piece of land till a decision is taken by the respondents No.3&4. The petitioners are also at liberty to file a fresh application before the respondents No.3&4 along with a copy of this order enabling the respondents No.3&4 to take a prompt decision.

5. With the aforesaid observations, the writ petition stands finally disposed of.
6. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

inder