

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2042 of 2020

- 1.** Ganpat S/o Late Mohan Aged About 45 Years Caste Kol, Occupation Labour, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 2.** Shivrath S/o Lalsay Aged About 55 Years R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 3.** Ranmat Wd/o Nahar Aged About 55 Years Caste Koiri, Occupation Labour, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 4.** Parwati Wd/o Late Kamal Aged About 60 Years Caste Bargah Occupation Labour, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 5.** Pradeep Kushwaha S/o Prabhuram Kushwaha Aged About 35 Years Caste Koiri, Occupation Labour, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 6.** Sitaram Kushwaha S/o Late Babauram Aged About 57 Years Caste Koiri, Occupation Agriculture, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
- 7.** Ramdev Kushwaha S/o Late Sampat Aged About 45 Years Caste Koiri, Occupation Agriculture, R/o Village Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

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Versus

- 1.** State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 2.** The Collector Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

3. The Sub Divisional Officer Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
4. The Tahsildar Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
5. Sarpanch Gram Panchayat Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh
6. Up-Sarpanch Gram Panchayat Kewra, Police Station And Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

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For Petitioner	:	Mr. Ashok Kumar Shukla, Advocate.
For State/Resp.	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23.09.2020

1. The challenge in the present writ petition is to the action on the part of the respondents who are trying to demolish the residential house of the petitioners and claim also is for payment of compensation for the house which are getting destroyed which would enable them to resettle and rehabilitate elsewhere.
2. Perusal of the records would show that petitioners have claimed themselves to be in possession of the said property for more than three decades. According to the petitioners none of the petitioner have got any other piece of land in their name, other than the land which is being occupied by them. It is the further contention of the petitioners that though there was a proceeding drawn in 2013-2014 declaring the petitioners as encroachers and a fine was imposed and

which has been duly deposited by the petitioners by then the petitioners were permitted to retain the said premise till now i.e. for a further period of 6 years when abruptly the respondents have come with an intention of demolishing the houses of the petitioners and evicting them. Counsel for the petitioners drew the attention of the Court, to the acute monsoon weather conditions in addition to the impact of COVID-19 pandemic which is prevailing through out the State including the area where the petitioners are located is also a badly affected area. According to the petitioners if at this juncture the respondents carry out demolition work and threw the petitioners on the road they would become shelterless/homeless and would face great difficulty in sustaining themselves, not just the petitioners but the entire family who are dependent upon the petitioners as well.

3. State counsel on the other hand submits that respondents have been declared as encroachers wayback in the year 2014 itself but for reasons best known petitioners have not vacated the premises and continued to unauthorizedly retain the said premises which has led the authorities in initiating the said proceedings.
4. Be that as it may, considering the precarious conditions that is prevailing firstly that of the peak monsoon season in addition to the severe impact of COVID-19 pandemic, this Court is of the opinion that this is not the occasion where the respondent authorities should initiate coercive steps for demolition of the house and also in getting the people who are unauthorizedly retained some place to be evicted.

5. Given the facts and circumstances of the case, this Court is of the opinion let petitioners collectively approach respondent No.2 seeking for an alternative land elsewhere wherein petitioners can be resettled and in the alternative, petitioners can also seek from the Collector to allot the very same land on lease/patta in their name under any of the schemes that are applicable in the State for providing land to the landless people. In that event the petitioners existing houses also would be protected.
6. Let petitioners approach before respondent No.2 within a period of 15 days from today and respondent No.2 in turn shall take a decision on the said representation of the petitioners with sympathetic consideration at the earliest preferably within a period of 60 days from the date of receipt of copy of this order. Till then, it is directed that respondents shall not take any coercive steps for evicting the petitioners from the present place.
7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Rohit