

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2135 of 2020

Sarwar Ali S/o Late Maula Khan, Aged About 56 Years R/o Tifra, Bhartiya Nagar, Tahsil and District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary- Revenue Department and Disaster Management, Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. Tehsildar, Bilaspur, District Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Revenue) Tehsil and District Bilaspur Chhattisgarh.
5. State of Chhattisgarh Through Urban Administration and Development Department Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.

---Respondents

Writ Petition (C) No. 2136 of 2020

Baby Bano S/o Mohammad Shagir Khan, Aged About 38 Years R/o Tifra, Bhartiya Nagar, Tahsil and District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary- Revenue Department and Disaster Management, Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. Tehsildar, Bilaspur, District Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Revenue) Tehsil and District Bilaspur Chhattisgarh.
5. State of Chhattisgarh Through Urban Administration and Development Department Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.

---Respondents

Writ Petition (C) No. 2137 of 2020

Smt. Shabnam Bakshi W/o Shri Sayyed Akbar Bakshi Aged About 39 Years R/o Ward No. 9, Gayatri Nagar, Bhartiya Nagar, Tehsil and District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary- Revenue Department and Disaster Management, Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Collector, Bilaspur, District Bilaspur Chhattisgarh.
3. Tehsildar, Bilaspur, District Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Revenue) Tehsil and District Bilaspur Chhattisgarh.
5. State of Chhattisgarh Through Urban Administration and Development Department Mahanadi Mantralaya, Atal Nagar, Raipur, District Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Sumit Rathore, Advocate.
For Respondent-State	:	Shri Sidharth Dubey, Dy. Govt. Advocate.

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

15.09.2020

1. Since common facts and issues are involved in these writ petitions, they are being disposed of by this common order.
2. The whole dispute in these three writ petitions is the notice dated 18.08.2020 and the order of ejectment dated 25.07.2018 passed by the Tehsildar, Bilaspur.
3. According to the counsel for the petitioners they are title holder of the said property by way of a registered sale deed which was executed way back in the year, 2003 and since then they are in occupation of the said property. According to the petitioners, pursuant to an order passed in WP(PIL) No.135 of 2017, decided on 19.06.2018, the respondents have initiated a proceeding under the Chhattisgarh Land Revenue Code against the petitioners and the said proceeding is still pending before the Tehsildar. Meanwhile, the ejectment notice and the notice dated 18.08.2020 has been passed.
4. At this juncture the limited prayer that the petitioners make is that the whole dispute can be laid to rest if the State authorities can conduct a fresh demarcation of the property which belongs to the petitioners and thereafter may submit the demarcation report before the Tehsildar to proceed further with the matter.
5. To the said limited prayer, the State does not have any objection. However, he points that from the pleadings and the documents enclosed with the

writ petition it appears that demarcation has already been conducted in the past and the order seems to have been passed based upon the demarcation report, which fact, however, is disputed by the petitioners saying no demarcation has been done. It is only a survey report which has been prepared and submitted before the authorities without demarcation being done.

6. Be that as it may, since the petitioners himself are making a submission that let the property belonging to the petitioners be demarcated and thereafter the authorities may proceed in accordance with law, the whole dispute itself according to the petitioners, can be laid to rest, if the revenue authorities shall consider conducting a fresh demarcation and the charges required for the demarcation shall be made by the petitioners, if any, and the said demarcation report be submitted before the Tehsildar. The petitioners also should promptly be intimated in respect of the demarcation to be conducted so that the same can be done in their presence. The petitioners also are directed to render all co-operation in the course of conducting demarcation.
7. The respondents, however, meanwhile shall not take any co-ercive steps for ejectment of the petitioners from the said property till a decision after the fresh demarcation is taken.
8. The writ petitions accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge