

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 696 of 2021

Rohit Kumar Patel S/o Babu Lal Patel, Aged About 44 Years R/o.
Village - Beltikri, Patwari Halka No. 49, Revenue Circle - Dipka, Tahsil
- Katghora, District - Korba Chhattisgarh.
--- **Petitioner**

Versus

1. South Eastern Coalfields Limited through its Chief Managing Director, Head Quarter, Seepat Road, Bilaspur, District - Bilaspur Chhattisgarh.
2. South Eastern Coalfields Limited, Through - Its General Manager, Dipka Area, Tahsil - Katghora, District - Korba Chhattisgarh.
3. Estate Officer, South Eastern Coalfields Limited, Dipka Area, Katghora, District - Korba Chhattisgarh.
4. The Collector, Korba, District - Korba Chhattisgarh.
5. The Sub Divisional Officer, (Revenue), Katghora, District - Korba Chhattisgarh.
6. The Tahsildar, Katghora, District - Korba Chhattisgarh.
7. The Incharge Of Police Station - Dipka, District - Korba Chhattisgarh.

--- **Respondents**

For the applicant	:	Mr. Pushpendra Kumar, Advocate
For the SECL	:	Mr. Vinod Deshmukh, Advocate
For the State	:	Mr. Somkant Verma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order

12.02.2021

Heard.

2. The default as pointed by the office is ignored.
3. The instant petition has been filed against the notice issued under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as 'the Act of 1971'). Notice is dated 28/10/2020 whereby the petitioner has been asked to produce the documents in respect of the different

plots which were situated in Vivekanand Nagar Rehabilitation, Beltikri, Dipka area.

4. Learned counsel for the petitioner would submit that the petitioner who is the villager was rehabilitated when the SECL displaced his predecessor or the petitioner and was rehabilitated in the village Beltikri which was subsequently rehabilitated in the name of Vivekanand Nagar, Dipka Area and different plots were allotted. The petitioner thereafter constructed his house and is living therein and with the subsequent passage of time in the gram panchayat different development also took place. The petitioner further submits that the petitioner has been served with a notice under Section 4 of the Act of 1971 and has been asked to reply to the same. Learned counsel would submit that the rehabilitation documents are entirely in the possession of the SECL as in the year 1992 when the petitioner was rehabilitated the petitioner or his predecessor was given the different plots and accordingly he is residing there. All of a sudden the issuance of notice under Section 4 of the Act of 1971 though the petitioner is ready to reply the same, the petitioner is not in hold of any documents which pertains to rehabilitation with respect to Vivekanand Nagar at village Beltikri. Therefore before the petitioner's case is heard, he should also be supplied with necessary documents so that he may reply the same and the proceeding may be drawn up not in arbitrary manner but the measurement of the plot which was allotted and inspection and the demarcation may be carried out.

5. Learned counsel for the respondent/SECL on instruction would submit that the document filed with the petition do not disclose the fact that the petitioner or his predecessors were rehabilitated, therefore the petitioner can very well reply to the notice under Section 4 of the Act of 1971 and this petition would be premature.

6. Perused the documents filed along-with the petition.

7. The challenge is to the document Annexure P-1 which is notice under Section 4 of the Act of 1971. The notice issued by SECL reflects that the notice has been issued in respect of the different plots which are situated at Vivekanand Nagar settlement, Beltikri, Dipka Area and different plot has been numbered. The primary inference therefore comes out that the notice pertains to the settlement made of villagers. According to the schedule of the notice which is issued under Section 4 of the Act of 1971 the word Basahat is used. If the settlement has been made by the SECL which is named as Vivekanand Nagar, Beltikri, Dipka Area then the voice raised by the petitioners that they may be supplied with the necessary documents of the settlement appears to be logical as it affects their livelihood and their place of abode. The nature of submission made by the petitioner cannot be shelved for the reason that they primarily belong to class who were said to have been allotted plots on rehabilitation. It is not of like ordinary class of cases where the grant/allotment are not in dispute. The reflection in the map and schedule of property in the notice prima facie show that the notices were issued for an area of settlement

made. The SECL must be in hold of the necessary documents, therefore in order to facilitate the factual aspect to be decided, the SECL is directed to give the necessary document of the settlement to the petitioners along-with the map of the area to demonstrate the settlement how made, along-with the manner the plots were carved out and allotted. The said document of settlement is required to be supplied so that the petitioner can defend his cause. The documents as and when supplied the petitioner may file his reply and the Estate Officer shall consider the case on merits. The petitioner shall appear before the Estate Officer on 23rd March, 2021.

8. With such observation, the petition stand disposed of.

**Sd/-
(GOUTAM BHADURI)
JUDGE**