

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 199 of 2021

Smt. Vinita Chaudhari W/o Sanjeev Chaudhari Aged About 40 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

WPC No. 195 of 2021

Basant Kumar Korram S/o Mahettar Singh Gond Aged About 40 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

WPC No. 198 of 2021

Mahesh Kumar Jaiswal Son Of Late Shankar Lal Jaiswal 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

WPC No. 200 of 2021

Dilharan Yadav Son Of Gokul Yadav Aged About 31 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

WPC No. 201 of 2021

Santram S/o Mahettar Singh Aged About 46 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

WPC No. 203 of 2021

Sudhram Yadav S/o Mukund Singh Yadav Aged About 45 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 Bailaspur, Chhattisgarh,
2. South Eastern Coalfields Limited Through Its General Manager, Dipka Area, Tahsil Katghora, District Korba, Chhattisgarh,
3. Estate Offcier, South Eastern Cioalfields Limited Dipak Area, Katghora, District Korba, Chhattisgarh,
4. The Collector Korba, District Korba, Chhattisgarh,
5. The Sub Divisional Officer, (Revenue) Kathora, District Korba, Chhattisgarh,
6. The Tahsildar Katghora, District Korba, Chhattisgarh
7. The Incharge Of Police Station Dipka, District Korba, Chhattisgarh,

---- Respondents

WPC No. 207 of 2021

Kanchan Bai Kenwat W/o Sukhi Ram Kenwat Aged About 40 Years R/o Village Beltikri Patwari Halka No. 49, Revenue Circle Dipka, Tahsil Katghora, District Koraba, Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Its Chief Managing Director, Head Quarter, Seepat Road Bilaspur, District Bailaspur, Chhattisgarh,
2. South Eastern Coalfields Limited Through Its General Manager, Dipak 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

WPC No. 209 of 2021

Rameshwari Sahu W/o Satta Sahu Aged About 49 Years R/o Village- Beltikari, Patwari Halka No. 49, Revenue Circle, Dipka, Tahsil- Katghora, District- Korba (C.G.)

---- Petitioner

Versus

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

---- Respondents

And

WPC No. 210 of 2021

Ramkunwar D/o Mahettar Singh Aged About 62 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 petitioners – Shri Pushpendra Kumar Patel, Advocate.

For SECL/respondents No.1, 2 & 3 – Shri Abhishek Sinha, Shri Vinod Deshmukh, Shri Sudhir Kumar Bajpai, Shri K.K. Shrivastava & Shri Pankaj Agrawal, Advocates.

For State – Shri Somkant Verma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/01/2021

Heard.

1. All these cases are being decided by this common order.
2. The instant petitions have 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 petitioners have been asked to produce the documents in respect of the different plots which were situated in Vivekanand Nagar Rehabilitation, Beltikri, Dipka Project.
3. Learned counsel for the petitioner would submit that the petitioners who are the villagers were rehabilitated when the SECL displaced their predecessor or the petitioners and were rehabilitated in the village Beltikri which was subsequently rehabilitated in the name of Vivekanand Nagar, Dipka Project and different plots were allotted. The petitioners thereafter constructed their houses and are living therein and with the subsequent passage of time in the gram panchayat different development also took place. The petitioners further submits that the petitioners have been served with a notice under Section 4 of the Act of 1971 and have 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 they were rehabilitated the petitioners or their predecessors were given the different plots and accordingly they are residing there. All of a sudden the issuance of notice under Section 4 of

the Act of 1971 though the petitioners are ready to reply the same, the petitioners are not in hold of any documents which pertains to rehabilitation with respect to Vivekanand Nagar at village Beltikri. Therefore before the petitioners case are heard, they should also be supplied with necessary documents so that they may reply the same and the proceeding may be drawn up not in the arbitrary manner but the measurement of the plot which were allotted and inspection and the demarcation may be carried out.

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

5. Perused the documents filed alongwith the petition.

6. The challenge is to the document Annexure P-1 which is notice under Section 4 of the Act of 1971. Alongwith the petition a map is attached which purports that it is of Vivekanand Nagar Rehabilitation of SECL Gevra area. This document has been filed by the petitioner. The notice issued by SECL in the schedule it reflects that the notice has been issued in respect of the different plots which are situated at Vivekanand Nagar settlement, Beltikri, Dipka Project and different plots have 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 Project 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 alongwith the map of the area to demonstrate the settlement how made, alongwith the manner the plots were carved out and allotted. The said document of settlement is required to be supplied so that each individual petitioner can defend their cause. The documents as and when supplied the petitioners may file their reply and the Estate Officer shall consider the individual case on merits. The petitioners shall appear before the Estate Officer on 17th February, 2021.

7. With such observation, the petitions stand disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE