

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 212 of 2021

Anil Kumar Kaushik S/o Late Shri Rameshchandra Kaushik, Aged About 42 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. 219 of 2021

Rajkunwar W/o Late Shri Shyam Lal, Aged About 60 Years R/o. Village - Beltikri, Patwari Halka No. 49, Revenue Circle - Dipka, Tahsil - Katghora, District - Korba Chhattisgarh., 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. 220 of 2021

Balram Yadav S/o Gokul Ram Yadav Aged About 25 Years R/o Village Beltiri, 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, Tahsil 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. 231 of 2021**

Sukhi Ram Kenwat Son of Dujram Kenwat Aged About 43 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), District : Korba, Chhattisgarh
7. The Incharge of Police Station Dipka, District Korba (Chhattisgarh). ---

Respondents

WPC No. 236 of 2021

Shanti Bai Wife Of Late Vipat Das Aged About 79 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 Respondents/SECL:		Shri K.K. Shrivastava, Shri Sudhir Kumar Bajpai, Abhishek Sinha, Shri Vinod Deshmukh and Shri Pankaj Agrawal, Advocates
For Respondents/State:		Shri Gagan Tiwari, Dy. Govt. Advocate and Avinash Singh, Panel Lawyers

Hon'ble Shri Justice Goutam Bhaduri

Order

22-01-2021

1. Heard.
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'). One notice is dated 28/10/2020 whereby they 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 submit 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 cases 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 petitions 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. Along-with 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 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 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 24th of February, 2021.

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

SD/--

**Sd/-
Goutam Bhaduri
Judge**