

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 274 of 2021

Bali Kumar Kanwar S/o Late Sunder Singh Aged About 32 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 petitioner – Shri Pushpendra Kumar Patel, Advocate.

For SECL/respondents No.1, 2 & 3 – Shri V.R. Tiwari and Shri Atul Kumar Kesharwani, Advocates.

For State – Shri Akash Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/01/2021

Heard.

1. Instant petition has been filed by Bali Kumar Kanwar son of late Sunder Singh. It is stated that since he is deceased the petition has been preferred by his son being in possession of the property.

2. 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 18/09/2020 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 Project.

3. 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 were rehabilitated in the village Beltikri which was subsequently rehabilitated in the name of Vivekanand Nagar, Dipka Project 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 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 the petitioner was rehabilitated the petitioner or their predecessors were given the different plot and accordingly they are 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 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 petitioner or their 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.

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 petitioner 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 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 17th February, 2021.

7. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE