

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 430 of 2021

- Upendra Kumar Shrivash S/o Late Damodar Prasad Shrivash
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 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

For petitioner – Shri Pushpendra Kumar Patel, Advocate.

For SECL– Shri Pankaj Agrawal, Advocate.

For State – Shri Aditya Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order

02.02.2021

Heard.

1. 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 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 was 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 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 the arbitrary manner but the measurement of the plot which was 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 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.

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 the petitioner can defend their 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 2nd March, 2021.

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

Sd/-

(Goutam Bhaduri)

JUDGE