

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 424 of 2021

1. Smt Sushila Bai Kaser W/o Late Shyam Lal Kaser Aged About 70 Years R/o Near Shiv Ghat, Purana Sarkand, Bilaspur, District- Bilaspur, Chhattisgarh.
2. Naval Kaser S/o Late Shyam Lal Kaser Aged About 51 Years R/o Near Shiv Ghat, Purana Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh. --- **Petitioners**

Versus

1. Chhattisgarh State Power Distribution Company Ltd through Managing Director Daganiya, Raipur, Chhattisgarh.
2. Collector District Bilaspur, District : Bilaspur, Chhattisgarh
3. The Superintendent of Police District- Bilaspur, District : Bilaspur, Chhattisgarh
4. Sub-Divisional Officer (Revenue) Cum Land Acquisition Officer Bilaspur, District : Bilaspur, Chhattisgarh
5. Executive Engineer City-li CSPDCL, Bilaspur, District : Bilaspur, Chhattisgarh --- **Respondents**

For the applicant	: Mr. Rohit Sharma, Advocate
For the State	: Mr. K. R. Nair, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.03.2021

1. Learned counsel for the petitioner submits that over the land of the petitioner, a tower was being erected. .
2. Return has been filed on behalf of respondents 1 & 5 in which it has been stated at Paras 3 & 4 as under :

“3. That it is submitted that the allegation of the petitioner that the answering respondents have entered upon her/his land and earmarked the place for the tower is to be erected, is not correct. His/her land is in Khasra No.1101/2. The answering respondents are erecting the tower in Khasra No.1104/2, which is government land and the petitioner's land is not anywhere near the said land. The adjacent land is in Khasra No.1104/1 is in the name

of Kartik S/o Buduvu, and Kusibai, D/o Buduvu as per revenue records. There is no complaint from the owner of the said Khasra No.1104/1. A copy of B/1 Khasra and of the Patwari Naksha is filed herewith as Annexure R/2.

4. That it will be noticed that the answering respondents are erecting the tower on other side of River Arpa in Government land in Khasra No.1104/2. The petitioner's claim is that her/his land is in Khasra No.1101/2 but the same is not reflected at all in the land revenue records as per the Naksha given by the Patwari concerned. There is a parcel of land in Khasra No.1101 which is far away from the proposed erection site and even if it is not shown in the Patwari Naksha the petitioner's land should be within the boundaries of the land in Khasra No.1101 and no part of the land covered in Khasra No.1101/2 is affected by the said erection of Tower in Khasra No.1104/2."

3. A perusal of paras 3 & 4 would show that it is stated that the respondents are not constructing the tower over the land of the petitioner bearing Khara No.1101/2. In view of such submission, no judicial intervention would be required.
4. With the above observation, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**