

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3461 of 2021

Sonmati, D/o. Jaypal, W/o. Shivpal Singh, Aged About 36 Years, Caste Gond, Resident Of Village Bari, Police Station And Tahsil Khadgawan, District Korea, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh.
2. The Collector, Baikunthpur, District Korea, Chhattisgarh.
3. The Tahsildar, Khadgawan, District Korea, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sharad Mishra, Advocate
For State/Respondents	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.08.2021

Heard

1. Learned counsel for the petitioner would submit that the petitioner is a deserted lady and is living on the part of land bearing Khasra No.1253 and house is constructed over the land 0.20 hectare at village Bari, Tahsil Khadgawan, District Korea. It is submitted that since the petitioner is a scheduled caste and landless lady, therefore, she has applied for grant of the land in her favour as per Annexure P-4 before the Collector, Baikunthpur and she is presently residing alongwith her children in the house constructed over 0.20 hectare for his livelihood. He submits that in the meanwhile the ejectment notice has been issued and she may be ejected by demolition of the house pursuant to the order passed under Section 248 of the Land Revenue Code. Learned counsel further submits that since different policies exist to grant land in favour of the landless people, therefore, till the application of the petitioner for grant of land is

decided, she may not be evicted as she would be without any home or any source of livelihood.

2. Learned State counsel would submit that the order of eviction since exists, therefore, the notice was issued.
3. Perused the documents. The order of the Family Court is also on record which shows that the petitioner has been deserted by her husband and she residing in the house constructed over Khasra No.1253 and out of total land 1.200 hectare, the petitioner is in possession of 0.20 hectare at village Bari. The petitioner appears to have already filed an application for grant of land in her favour by Annexure P-4 before the Collector on 02.03.2021, which is pending. Taking into such aspect, since the petitioner is a landless person and the application is already filed before the Collector, the Collector may decide the application of the petitioner sympathetically for grant of land in her favour so that the petitioner can survive alongwith her two children. In the meanwhile, till the application for grant of land is decided, the petitioner may not be evicted forcefully from her house constructed over Khasra No.1253 admeasuring 0.20 hectare.
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks