

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3303 of 2020

Chamru S/o Kaushal Singh, Aged About 64 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. 3266 of 2020

Resham Lal S/o Bhagi (Wrongly Mentioned In Banji In Notice) Aged About 66 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. 3268 of 2020

Kanti Bai W/o Late Pritam Singh Aged About 64 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. 3269 of 2020

Gopal Sharan Singh S/o Venketeshwer Raman Singh Aged About 60 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

WPC No. 3270 of 2020

Itwar Das Panika S/o Gyan Das Panika Aged About 49 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. 3271 of 2020

Santosh Kumar S/o Late Manohar Lal Aged About 40 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. 3273 of 2020

Munna Ram Bargah S/o Late Vishal Singh Aged About 66 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. 3276 of 2020

Godavri Rajput W/o Neelkanth Rajput Aged About 51 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. 3280 of 2020

Smt. Dhiraj Bai Rajput W/o Late Kusal Singh Aged About 62 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. 3281 of 2020

Rani Bai Jaiswal W/o Late Shankar Lal Jaiswal, Aged About 68 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. 3282 of 2020

Santosh Gupta S/o Ramaashish Gupta, Aged About 41 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. 3283 of 2020

Trilok Kumar S/o Late Pardeshi Ram Aged About 37 Years R/o Village Beltikri, Patwari Halka No. 49, Revenue Circle Dipka , Tehsil 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. 3284 of 2020

Puni Ram S/o Arjun Aged About 53 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. 3285 of 2020

Rishi Kumar Chandra S/o Bhuwan Lal Chandra, Aged About 56 Years R/o Village Beltikri, Patwari Halka No. 49, Revenue Circle - Dipka, Tahsil Katghora

---- 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. 3286 of 2020

Trilokichand S/o Late Faguram, Aged About 28 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. 3287 of 2020

Irshad Ali S/o Inamullah (Wrongly Mentioed In Urman Ali In Notice) , Aged About 50 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. 3288 of 2020

Kripal Yadav So Arjun Yadav Aged About 55 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

And

WPC No. 3305 of 2020

Tulesh Kumar Tiwari S/o Bhaskar Prasad Tiwari, Aged About 57 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., 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 SECL/respondents No.1, 2 & 3 – Shri Abhishek Sinha, Shri Vinod

Deshmukh, Shri Pankaj Agrawal, Shri H.A.P.S. Bhatia, Advocate appears on behalf of Shri Sudhir Kumar Bajpai, Shri Pratik Tiwari, Advocate appears on behalf of Shri V.R. Tiwari, Advocate.
For State – Shri Gagan, Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/01/2021

Heard.

1. All these cases are being decided by this common order.
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 and another is dated 18/09/2020 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 submits 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 case 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 petition 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. 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 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 29th January, 2021.

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

Sd/-

(Goutam Bhaduri)

JUDGE