

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4580 of 2021

Shivkumari W/o Yashwant Sharma Aged About 45 Years R/o Village Salka, Tahsil Bhatgaon, District Surajpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector District Surajpur, District : Surajpur, Chhattisgarh
3. The Tahsildar Bhatgaon, District Surajpur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Udho Ram Koshaley, Advocate.
For the respondents / State	: Ms. Shreya Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.11.2021

Heard on petition as well as on I.A. No.1 of 2021, an application for grant of interim relief.

1. It is submitted by counsel for the petitioner that the petitioner is a landless person. Her economical status is of below poverty line. The petitioner has occupied the government land bearing khasra No.4, on which she has constructed a house and her possession since about 40 years without any interruption. The petitioner has entitlement to be settled on her land in possession.
2. Respondent No.3 had earlier initiated proceeding for eviction of the petitioner, on which the order dated 22.9.2015 was passed, but the same was not implemented. In the recent development, respondent No.3 has issued a show-cause notice to the petitioner as to why she should not be fined, why she should not be penalized and why she

should not be evicted from the property of the State Government. The petitioner has replied the same submitting that she is in possession since about 50 years, therefore, she has entitlement to be settled in the same property. In the recent development, there is a proposal for construction of gothan on the same land, therefore, this petition has been filed and the prayer has been made for grant of interim relief.

3. Learned State counsel opposes the submissions and submits that the petitioner has no entitlement to retain in possession over the land belonging to the State Government, therefore, the petition and the interim relief application both are dismissed.
4. Considered on the submissions. On perusal of the documents filed alongwith the petition, it appears that the petitioner is in occupation of the government land since long time which requires some enquiry, therefore, the petitioner is granted liberty to file a representation before the respondents praying for her settlement on her land in her possession and also praying for grant of lease under the provisions of Chhattisgarh Land Revenue Code, 1959. This representation may be filed within a period of 15 days and further, the respondents are also directed to take decision on this representation within a period of 90 days from today. It is also ordered that until the period of 90 days, no coercive steps be taken against the petitioner.
5. With the aforesaid observations, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge