

WRIT PETITION NO. 2632 OF 2000.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

PETITIONERS

HE SEE THE

- 1. CHHABIL DAS, son of Maksoodan, aged about 54 years, Kotwar of Kosagondi, Tehsil Gurur, District Durg, M.P.
- 2. DHRUV RAM Son of Chohan, aged 50 yrs., Kotwar of Pikripar,
- ROOPDAS, son of LALDAS, aged 42 years,
 Kotwar of Tilkhari,
- 4. TUKARAM, son of SALIYA, aged 55 years, Kotwar of village Khertha,
- GAUTAM RAM, S/o Gulam, age 40 years,
 Kotwar of Dadeshara,
- 6. BALLURAM, S/o Rameshar, age 40 years, Kotwar of village Ozhagahan,
- 7. UMESH KUMAR, S/o fakira singh, 30 years, Kotwar of DOTOPAR.
- 8. CHETANRAM, \$ / o Shitabas, age 40 years,
 Kotwar of village Sangli,
- 9. ASHWANI KUMAR S/o Gangaram, 28 years, Kotwar of village Sangli-No.2,
- 10. HULAS Sonof Ram Gulam, age 36 years,
 Kotwar of village Basim,
- 11. RAMGOPALS/o MENHGOO, aged 45 years,
 Kotwar of village Titurgahan,
 All the above petitioners are of
 Tehsil Gurur, District Durg, M.P.



- 1. The State of Madhya Pradesh through Secretary, in the Department of Revenue, Government of M.P., Vallabh Bhawan, BHOPAL, M.P.
- 2. The Collector of District Durg, at DURG, M.P.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 6. P. Ho. 2632 2000

विरुद्ध

आदेश हस्ताक्षर सहित

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-10-2001

Shri Ashok Das Vaishnava, learned counsel for the petitioners.

Shri Deep Kesharwani, learned Govt. Advocate for the State/respondents

Return has been filed.

Heard.

The case of the writ petitioners is that prior to 1950 the predecessors of the writ petitioners were in possession of some lands which are now in possession of the writ petitioner s. It is further contended that the possession of the lands in question has been uninterrupted and continuous. The lands in question are clearly recorded in the Jamabandi i.e. revenue land record in the names of the predecessors of the writ petitioners. The petitioners are presently working as Kotwars. They are not claiming the said lands which are recorded in Jamabandi vide Annexure-P/12 on the basis that they are Kotwars but on the basis that such lands have been granted by competent authority to the predecessors prior to 1950.

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आदेश हस्ताक्षर सहित

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On perusal of the return filed on behalf of the respondents it appears that the fact of possession is not controverted. It is contended in paragraph 4 of the return that certain actions have been taken by the revenue authorities in granting Bhumiswami rights in favour of some of the Kotwars, certain action is being contemplated.

having been in continuous possession of the lands in question for such a very long time even on humanitarian consideration the petitioners should be given Bhumiswami rights. It is also further contended that in another case vide Writ Petition No.2064 of 2000 disposed of on 03/05/2001 such direction was issued by this Court in respect of 36 Kotwars. It is further contended that even otherwise village Kotwars are also entitled to get some lands as Kotwars.

According to Shri Deep Kesharwani a village Krtwar is entitled to ten acres of land. The petitioners are possession of the lands recorded in Annexure-P/12 inasmuch as those lands were in possession of their predecessors who were also village Kotwars.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर



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According to the learned counsel for the petitioners the land in quesation is Mafi land and not service land. Shri Deep Kesharwani controverts this statement. Be that as it may, it seems to me that the petitioners are claiming Bhumiswami rights over the lands which were granted to their predecessors prior to 1950 and the said lands were duly recorded in documents Annexure-P/12.

On perusal of the relevant documents placed before me and after hearing learned counsel of both sides, I am of the view that it will be just and fair to allow the claim of the writ petitioners.

In the result, this petition is disposed of with the direction that the competent authority shall grant Bhumiswami rights in respect of the lands recorded in Jamabandi vide Annexurde-P/12 in favour of the writ petitioners. This order shall be carried out within one month from the date of receipt of this order.

Certified copy be given as per rules.

Sd/-Chief Justice