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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 757 of 2013

Kotak Mahindra Bank Limited **versus** The Collector Office Of The
Collector And Ors.

Order Sheet

13/11/2024	Ms. Sharmila Singhai, Sr. Advocate with Mr. P.R. Patankar, counsel for the petitioner. Mr. Arvind Dubey, G.A., Mr. S.S. Baghel, Deputy G.A. and Ms. Isha Jajodia, PL for the State/respondents No. 1, 4, 5 & 6. Mr. Varun Sharma, counsel for respondent No. 2. Mr. Abhinav Kardekar, counsel for respondent No.3 appears through V.C. Mr. Ayaz Naved, counsel for respondent No. 7. Dr. N.K. Shukla, Sr. Advocate with Mr. Shailendra Shukla, counsel for respondent No. 8. Learned senior counsel appearing for the petitioner/bank submits that the land bearing Khasra No. 445/1 total area measuring 21.7-5, i.e. 16.70 acres was decreed in favour of the petitioner/bank by the

	Debt Recovery Tribunal, which remained unchallenged and it was binding upon the parties. Out of that land, land of 10 acres has been allotted by the Additional Collector, Raipur to respondents No. 2 & 3, namely, Chhattisgarh State Power Distribution Company Limited and Chhattisgarh State Power Transmission Company Limited, respectively by the impugned order, which is challenged. However, during pendency of the instant petition, a Power sub station has been constructed on the said land and from the said power sub station power distribution is continued. The major recipient of power is AIMS, Raipur. It seems that the land in question cannot be returned back and as such Learned senior counsel for the petitioner/bank prays that instead of the said land the State can arrange alternative land in lieu of the land which has been illegally taken over by them. Learned counsel appearing for the State/respondents, upon the above submission, when questioned, submitted that they have to seek instructions upon this proposal because admittedly the sub station has been constructed over the said land and even if the petition is allowed the said land cannot be handed over to the petitioner/bank. Accordingly, the State/respondents is directed to get proper instructions on the next date of hearing and if they would fail to receive proper instructions by that date, the petition will
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be heard without there being any instructions.

List the matter in the week commencing
9.12.2024.

Sd/-

(Amitendra Kishore Prasad)

Judge