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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 111 of 2024

IN THE MATTER OF SUO MOTO PUBLIC INTEREST LITIGATION
versus UNION OF INDIA

Order Sheet

03/02/2025	This is an office reference. Heard Mr.Ramakant Mishra, leaned Deputy Solicitor General appearing for the respondent-Union of India, Mr.Yashwant Singh Thakur, learned Additional Advocate General appearing for the respondent-State and Mr.Manoj Paranjape and Mr.Ankit Shinghal, leaned counsel appearing for respondent No.10. An affidavit has been filed by respondent No.10- Pawan Agrawal, which is reproduced hereinbelow:- “1. That the present Public Interest Litigation has been taken suo moto cognizance by this

	Hon'ble Court regarding news items published in the Daily News Paper, Dainik Bhaskar, Bilaspur Bhaskar, dated 24.12.2024. 2. At the outset, the Respondent No. 10 denies each and every statement, contentions and averments made in the published news items in its reply. Nothing should be deemed to be admitted unless the same is specifically admitted herein. That for the sake of brevity, the detailed contents of the PIL are not being repeated here. 3. That Respondent No. 10 respectfully submits that the allegations made against the Respondent regarding the use of muroom extracted from the land of the Army for development of the their colony is completely baseless, unfounded, and devoid of merit. 4. That Respondent No. 10 has always adhered to the legal requirements and regulatory framework while undertaking its development projects, including the construction of the Fortune Element Colony. 5. That Respondent no. 10 is developing a residential colony by the name of "Fortune Element Colony in accordance with the necessary permissions and approvals obtained from the competent authorities. 6. That Respondent No. 10 is a duly registered
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	coloniser, certified by the Nagar Panchayat, Bodri, District Bilaspur, and is authorised to undertake colony development in accordance with applicable laws and regulations. In furtherance of the same, the Respondent No. 10 has been granted the necessary permission by the Joint Director, Town and Country Planning, Regional Office Bilaspur, for the development of residential project, in compliance with the prescribed statutory requirements. A copy of the registration certificate dated 03.01.2022 issued by Nagar Panchayat, Bodri, District Bilaspur is annexed herewith as ANNEXURE R/10-1. A copy of the permission letter dated 18.11.2022 issued by Joint Director, Town and Country Planning, are annexed herewith as ANNEXURE R/10-2. 7. That Respondent No. 10 has obtained the requisite permissions for the development of the colony from the competent authorities. The Nagar Panchayat, Bodri, District Bilaspur, vide order dated 26.12.2022, has duly granted permission for the colony's development. Furthermore, the Collector, Bilaspur, has also granted approval for the said development vide order dated 20.01.2023. A copy of the Permission letter dated 26.12.2022 issued by
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	Nagar Panchayat, Bodri, District Bilaspur is annexed herewith as ANNEXURE R/10-3. A copy of the Permission letter dated 20.01.2023 issued by the Collector, Bilaspur is annexed herewith as ANNEXURE R/10-4. 8. That the Respondent No. 10 has been duly granted a registration certificate for the said project by the Chhattisgarh Real Estate Regulatory Authority, Raipur, in compliance with the provisions of the Real Estate (Regulation and Development) Act, 2016. The project has been registered under No. PCGRERA070723001649, Project vide Registration certificate dated 07.07.2023. A copy of RERA Registration certificate along with the documents submitted at the time of registration are annexed herewith as ANNEXURE R 10/5(Colly.). 9. That on in response to the notice issued by Respondent no 3, the Respondent no. 10 has already submitted a detailed reply dated 02.01.2025 along with supporting documents, including royalty payment receipts and procurement bills, to the competent authorities. A Copy of letter dated 02.01.2025 is annexed herewith as ANNEXURE R/10-6. 10. That Respondent no. 10 categorically
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denies having used any unauthorised muroom or having engaged in any illegal excavation or use of muroom from the land belonging to the Army. The muroom used for the development work has been lawfully procured from authorised sources, and all applicable royalties have been duly paid. Some of the copies of royalty payment receipts and procurement bills are annexed herewith as **ANNEXURE R/10-7(Colly.)**.

11. That Respondent humbly submits that the record pertaining to the procurement of muroom, including royalty payments, transaction details, and supporting documents, are voluminous in nature and as such some of copies are being filed herewith before this Hon'ble Court. At this juncture it is relevant to mention here that the answering Respondent No. 10 has already submitted all the copies of royalty slips to the Respondent No. 3 alongwith its reply to the notice issued to them. That the answering Respondent crave leave of this Hon'ble Court to place on record all the royalty slips and other relevant documents, if occasion so arises or as directed by this Hon'ble Court."

Statement on affidavit on behalf of the

respondent-Union of India has been filed by Col. Anupam Shrimali, presently working as SO (Lands), HQ COSA, District New Raipur (CG), which is reproduced hereinbelow:-

“1. That, on behalf of the Union of India, Ministry of Defense being. well acquainted with the facts of the case and I am also authorized to sign this affidavit on behalf of Respondents 1.

2. That, I am deposing to this affidavit based upon the documents available with me in my official capacity.

3. That, I am duly authorized and competent to affirm this affidavit in my official capacity on behalf of the Respondent No. 1. I have gone through the subject matter of the case as well as the earlier directions issued by the Hon'ble Court and having perused the same and made myself conversant with the the affidavit before the Hon'ble Court.

4. It is most respectfully stated here that the deponent observed the illegal mining activities which was carried out on Defence land, which came on light during the processes of handing over the said land to the District Administration, Bilaspur for the development of Chakarbhata (Bilaspur), Airport. The matter was formally

	brought to the notice of the Civil Administration through our letter dated 09-04-2024. A copy of the said letter is enclosed herewith as <u>ANNEXURE D/1.</u> 5. It is respectfully stated here that the said issue was further discussed during the visit of the Commander, HQ Chhattisgarh and Odisha Sub Area, to Bilapur Airport and the adjoining Chakarbhata Defence land on 16-04-2024. A meeting was convened at the airport premises with relevant stakeholders, during which concerns regarding the security of Defence land. unauthorized encroachment and illegal mining were raised. The Commander specifically sought assistance from the revenue authorities and local police to prevent further violation as documented in para 2(C) of our letter dated 30-04-2024. A copy of letter dated 30-04-2024 is annexed herewith as <u>ANNEXURE D/2.</u> 6. Subsequently, the matter was taken up again during a meeting at the Collectorate, Bilaspur on 13-12-2024. During the meeting on Defence land was reiterated, prompting the Collector Bilaspur to issue immediate orders to halt all such activities and if necessary, initiate legal proceedings, including the lodging of
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	FIRs against the offenders. A copy of documents relating to discussion points from the meeting held on 18th December 2024 is annexed herewith as ANNEXURE D/3. 7. It is respectfully submitted before the Hon'ble Court that in view of the aforesaid development in the matter the Respondent No. 1 and its Officers are regularly patrolling the area and keeping an eye on the illegal activities. Additionally, Officers of the HQ Chhattisgarh and Odisha Sub Area, Raipur along with troops within their respective Areas of Responsibility (AOR) are undertaking regular visits to the said land to ensure effective monitoring and enforcement. Moreover, Officers from Jabalpur are also paying regular visits to the Defence Land. 8. It is humbly prayed that in light of the aforesaid statements, the documents attached herewith may kindly be taken on record for the just and proper adjudication of the case. 9. That, the Respondent No. 1 craves leave of the Hon'ble Court to file additional affidavit along with documents as and when required with the due permission of the Hon'ble Court".
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Learned Additional Advocate General appearing for the respondent-State submits that muroom excavated from the land in question is said to have been sent to lab of the Public Works Department and the report would be made available within two weeks.

Let the matter be again listed on **21.02.2025**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

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