

Shri Jawed Usmani
Chief Secretary
Government of Uttar Pradesh
Secretariat Complex
Lucknow, UP 226 001

January 15, 2014

Subject: Illegal Occupation of Gram Sabha Land by Coca-Cola in Varanasi


Shri Usmaniji:

I am writing to seek your immediate attention and action on the illegal occupation of *Gram Sabha* land by the Hindustan Coca-Cola Beverages Private Limited (HCCBPL) in Mehdiganj, District Varanasi.

On December 16, 2013, the Tehsildar (Dist. Varanasi, Sadar) issued a notice to evict and reclaim *Gram Sabha* land illegally occupied by HCCBPL within the company's factory premises. In addition, the company was also fined Rs. 1,24,590.00.

आदेश

अतः प्रतिवादी हिन्दुस्तान कोका कोला कम्पनी प्रा०लि०, मेंहदीगंज परगना कसदार राजा वाराणसी को विवादित आराजी नम्बर 2425 रकबा 0.012 हे० एवं मि० 2632 रकबा 0-020 हे०, मि० 2633 रकबा 0-016 हे०, मि० 2625 रकबा 0-020 हे०, मि० 2461 रकबा 0-065 हे०, 2464 रकबा 0-030 हे०, 2462 रकबा 0-008 हे०, 2634 रकबा 0-008 हे० एवं 2423 रकबा 0-049 हे० से बेदखल कर गांवसभा का कब्जा दखल कराया जाय तथा प्रतिवादी से क्षति स्वरूप मु० 1,24,590/- व निष्पादन व्यय 5/- वसूल हो। तदनुसार नोटिस 49ग जारी हो। बाद आवश्यक कार्यवाही पत्रावली दाखिल दफ्तर हो।


16.12.13
स०क०(प्र०श्रे०)/तहसीलदार,
सदर, वाराणसी।

As of today, HCCBPL continues to illegally occupy the *Gram Sabha* land and no attempt has been made by the company to give back the illegally occupied land.

Gram Sabha land is community owned land for the benefit of the community and cannot be possessed by private parties, as HCCBPL has done.

We are asking that your office take immediate action to reclaim the *Gram Sabha* land illegally occupied by the HCCBPL.

The office of the Chief Secretary has been tasked by the Supreme Court of India to ensure compliance with the laws regarding illegal occupation of *Gram Sabha* land.

As you are well aware, a two member bench of the Supreme Court, comprising Honorable Justices Markandey Katju and Gyan Sudha Mishra, while disposing of the Civil Appeal No.1132/2011 @ SLP(C) No.3109/2011 dated January 28, 2011, noted that:

“We are of the opinion that such kind of blatant illegalities must not be condoned. Even if the appellants have built houses on the land in question they must be ordered to remove their constructions, and possession of the land in question must be handed back to the Gram Panchayat. Regularizing such illegalities must not be permitted because it is Gram Sabha land which must be kept for the common use of villagers of the village.”

Furthermore, the Supreme Court also noted that:

“Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of Gram Sabha/Gram Panchayat/Poramboke/Shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession.”

I look forward to prompt action on your part.

Please feel free to contact me should you have any questions or require any clarifications.

Thank you very much.

Sincerely,



Amit Srivastava
India Resource Center, Community Resource Centre
T: 098103 46161 E: amit@igc.org

Cc: Shri Akhilesh Yadav, Chief Minister, Uttar Pradesh