

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1322 of 2015

Kamlesh Vishwakarma S/o Shri Jagdamba Vishwakarma Aged About 36 years Caste-
Lohar, R/o Kenabandh, Post & Tehsil- Ambikapur, P.S. Sadar, Revenue & Civil District
Sarguja, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi
Bhawan, Naya Raipur, Revenue & Civil District Raipur, (Chhattisgarh)
2. The Secretary, Urban Administration & Development, Mahanadi Bhawan, Naya Raipur,
Revenue & Civil District Raipur, (Chhattisgarh)
3. Collector Sarguja, Ambikapur, Revenue & Civil District Sarguja, (Chhattisgarh)
4. Najul Officer, Ambikapur, Collectorate Premises, Revenue & Civil District Sarguja,
(Chhattisgarh)
5. Commissioner, Municipal Corporation Ambikapur, Revenue & Civil District Sarguja,
(Chhattisgarh)
6. Superintendent Of Police, Ambikapur, Revenue & Civil District Sarguja, (Chhattisgarh)
7. Tehsildar, Ambikapur, Tehsil- Ambikapur, Revenue & Civil District Sarguja,
(Chhattisgarh)
8. Commissioner, Sarguja Division, Ambikapur, Revenue & Civil District Sarguja,
(Chhattisgarh)

---- Respondents

For Petitioner	-	Shri Surfaraj Khan, Advocate
For Respondent / State	-	Ms. Sunita Jain, Panel Lawyer
For Respondent No.5	-	Shri Rajkumar Gupta, Advocate appears under instructions from Shri Bhupendra Singh, Advocate on advance copy.

Order On Board

31/07/2015

Heard.

1. This petition has been filed by the petitioner for consideration of his application for
grant of lease pending before the Commissioner and the petitioner submits that till the matter
is decided by the Commissioner, his possession may be protected.

2. Though, the petitioner's claim to be holding temporary lease, there is no document on record to show that any point of time any temporary lease or licence were granted to the petitioner. The petitioner's application for grant of lease has been rejected by the Collector and now the petitioner has approached the Commissioner.

3. The writ Courts would not protect possession, which was in the nature of encroachment. In case, the Commissioner passes some order to grant lease to the petitioner, the petitioner will have authority to enter upon any leased premises. However, the petitioner who encroached upon the land cannot be allowed to continue with illegal possession, much less writ Court coming to his aid in exercise of jurisdiction under Article 226 of the Constitution of India.

4. The application, which has been filed by the petitioner before the Commissioner may be decided by the Commissioner within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the petition is finally disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E