

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1615 of 2015

1. Gajendra Puri Goshawami S/o Late Moti Puri Goshawami, Aged About 68 Years
R/o Village Pithora, Tahsil Mahasamund, Near Bus Stand Mahasamund, District
Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, District Mahasamund Chhattisgarh

2. Sub Divisional Officer, Public Works Department (P.W.D.) Bh / S Sub Division
Pithora, Tahsil Pithoura, District Mahasamund Chhattisgarh

3. Chief Executive Officer, (C.E.O.) Nagar Panchayat Pithoura, Tahsil Pithoura,
District Mahasamund Chhattisgarh

---- Respondents

For Petitioner.	: Shri Neeraj Choubey, Advocate.
For Respondents no. 1 and 2/State.	: Shri Dilman Rati Minj, Dy. Govt. Advocate on advance copy

Order On Board

11/09/2015

Heard.

1. The grievance of the petitioner is that without holding enquiry as contemplated under Section 248 of the Land Revenue Code, on mere allegation of encroachment notice has been issued to the petitioner to remove the construction.
2. Learned counsel for the petitioner submits that the petitioner's stand has been that he is in possession of the land purchased by him under the registered sale deed and has

not encroached upon any public road or Government land.

3. If there is allegation of any encroachment, the proper course of action required to be followed by the Revenue authority is to draw proceedings of eviction under Section 248 of the Land Revenue Code. It is only by way of proceedings under Section 248 of the Land Revenue Code that proceeding of eviction could be drawn. That has not been done. The petitioner can not be thrown out on mere allegation of encroachment. This petition, at this stage is disposed off with a direction to the competent authority/ Tahsildar Pithora to expeditiously initiate the proceedings of eviction under Section 248 of the Land Revenue Code and then decide whether any encroachment has taken place, warranting eviction. Till the order under Section 248 of the Land Revenue Code is passed by the competent Authority/Tahsildar the petitioner shall not be evicted.

4. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita