

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1276 of 2014

Bhaagi Bai W/O Late Shri Thakur Ram Aged About 84 years R/O Chakarbhata Camp, P.S. Chakarbhata Tehsil Bilha Distt. Bilaspur C.G.

---- Petitioner

Versus

State Of Chhattisgarh And Ors. S/o Through Secretary, Department Of Minerals, Mahanadi Bhawan, Mantralaya, New Raipur C.G.

Bodri Nagar Panchayat Through Its Chief Municipal Officer Tehsil Bilha Distt. Bilaspur C.G.

The Collector Bilaspur Distt. Bilaspur C.G.

The Sub Divisional Magistrate Bilha Tahsil Bilha, Distt. Bilaspur C.G.

---- Respondents

For Petitioners	:	Shri Sunil Otwani, Advocate.
For Respondents 1, 3 and 4	:	Shri R.K.Gupta, Dy.A.G.

Order On Board

29/06/2015

The petitioner has filed this petition alleging that on an incorrect factual premise of encroachment of land beyond leased premises, respondents are proceeding to dispossess the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is in possession strictly within the four corners of the demised land admeasuring about 1890 sq. ft. situated in Khasra No. 71/8, plot No. 178 at Chakarbhata Camp for residential purposes. It is stated that petitioner has constructed a house over an area of 1312 sq. ft. for residential/commercial purpose. It is averred and argued that the petitioner has not encroached on any land.

3. Referring to the averments, report and notices issued, learned State counsel submits that the petitioner has encroached upon an area of 675 sq. ft. of land situated at Khasra No.71/2 which was not leased to the petitioner.

4. The writ petition has been filed by the petitioner as the petitioner apprehends demolition without there being any proceeding of eviction under Section 248 of C. G. Land Revenue Code. The return of respondents shows that proceedings under Section 248 of the Land Revenue Code have been drawn by the Tahsildar and the show cause notice was also given to the petitioner and thereafter the order of dispossession has been passed on 2.2.2015 followed by warrant of dispossession. These proceedings have been drawn subsequent to filing of the petition. Therefore, in the change circumstances, now, it is a case of issuance of an order of dispossession after drawing proceedings under Section 248 of the Land Revenue Code. The petitioner, if so advised, may challenge the order of dispossession passed by the Tahsildar under the provision of Land Revenue Code by filing of appeal or such other remedy available to him under the law.

5. Without commenting on the merits of the case, this petition is finally disposed off. Considering that this Court had granted protective umbrella to the petitioner, it is ordered that for a period of one month, the petitioner shall not be dispossessed.

Sd/-

Manindra Mohan Shrivastava

JUDGE