

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2264 of 2015

- Onkar Singh Chandel S/o Shri Ranjit Singh Chandel, Aged About 42 Years
R/o Near Old Irrigation Colony, Police Station Janjgir, Tahsil Janjgir District
Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue,
Mahanadi Bhawan, Mantralaya, Police Staiton Rakhi, New Raipur, District
Raipur Chhattisgarh
2. Collector, Office Of Collectorate, District Janjgir Champa Chhattisgarh
3. Sub Divisional Officer (Revenue), Office Of Sub Divisional Officer, Janjgir,
District Janjgir Champa Chhattisgarh
4. Tahsildar, Tahsil Office Janjgir, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	Shri Abhishek Pandey, Advocate
For Respondent/State	Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

17/12/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. Learned counsel for the petitioner would submit that the petitioner has been granted lease under the Rajiv Gandhi Ashray Yojna, 1998 and is not an encroacher on the subject land, yet the Tahsildar, Janjgir has issued a notice for removal of encroachment, failing which the petitioner has been threatened of removal of encroachment/demolition.
3. Learned State counsel would submit that the Tahsildar, Janjgir has only issued a notice and no action has yet been taken against the petitioner, therefore, the writ petition is premature.

4. After hearing learned counsel for the parties and on perusal of the lease deed (Annexure-P-1), it would prima-facie appear that the petitioner has been granted lease of plot No.4111/1-Ka, Ward No.16, Behind BTI, Janjgir, District Janjgir-Champa. The notice issued to the petitioner on 17.11.2014 has referred the petitioner as an encroacher on Khasra No.4364, Village Janjgir, R.I. Circle 41, District Janjgir-Champa.
5. In view of the fact that the notice (Annexure-P-4) issued by the Tahsildar does not refer to any revenue case nor it appears to be a notice under Section 248 of the Chhattisgarh Land Revenue Code, 1959, the writ petition is disposed of with a direction that the petitioner shall submit a representation before the Tahsildar together with lease papers issued in his favour and on such representation being filed, the Tahsildar shall carry out the demarcation with respect to the leased area and pass appropriate order. If the lease still subsists, the petitioner shall not be dispossessed nor any demolition shall be carried out in respect of the petitioner's land/building.
6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA