

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2167 of 2014

- Pankaj Agrawal S/o Late Omprakash Agrawal Aged About 32 Years R/o Danipara Raigarh P.S. City Kotwali Raigarh Distt. Raigarh C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration and Rural Development, Mantralaya Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
2. The Collector Raigarh Distt. Raigarh C.G.
3. The Nazule Officer Raigarh Distt. Raigarh C.G.
4. The Municipal Corporation, Raigarh Through Its Commissioner Municipal Corporation Raigarh Distt. Raigarh C.G.
5. The Superintendent Of Police Raigarh Distt. Raigarh C.G.
6. The Station House Officer Police Station City Kotwali, Raigarh Distt. Raigarh C.G.
7. Om Prakash Sharma S/o Hari Ram Sharma R/o Kotra Road Raigarh Distt. Raigarh C.G.

---- Respondent

For Petitioner	Mr. Mateen Siddique, Advocate
For Respondent/State	Mr. Arun Sao, Dy. A.G.
For Respondent No.4	Mr. Sudeep Agarwal, Advocate
For Respondent No.7	Mr. Chandresh Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

8/12/2015

Mr. N.R. Sahu, Nazul Officer, Raigarh is present in person.

Heard finally with the consent of learned counsel for the parties.

(3) In this petition under Article 226 of the Constitution of India, the petitioner has prayed for demolition of illegal construction raised on Government land/Nazul land bearing Khasra No.26/210 area 0.93 acres at Nazul Nagar, Baikunthpur Kotra Road, Raigarh.

(4) This petition was entertained despite the matter being pending before the Nazul Officer, Raigarh, because, respondent No.7 was allegedly continuing with the construction inspite of the fact that the stay order was granted by the Nazul Officer, Raigarh, asking him to stop the construction.

(5) Upon direction by this Court on 30.11.2015, the Nazul Officer, Raigarh is present along with the demarcation report. In the said demarcation report prepared in the presence of members of the locality, it has been pointed out that about 20 persons have encroached over the Government land/Nazul land to raise construction of shops and rooms either by erecting temporary structure or Pucca structure.

(6) Since encroachment of Government land is *per se* illegal and need not be countenanced, the writ petition is disposed of with a direction to respondents 3 & 4 to remove all illegal construction/encroachment within a period of one month from today.

Sd/-

Judge

(Prashant Kumar Mishra)

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