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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2142 of 2015**

- Shree Jwalaji Sewa Samiti Through : Its President Shri Awadhesh Agrawal S/o. Late Ram Kumar Agrawal, Address Post Komakhan P. S. Komakhan Tahsil Bagbahara District Mahasamund (Chhattisgarh)

---- Petitioner

**Versus**

- State Of Chhattisgarh Through Secretary Administration Department Mantralay, P. S. Rakhi Tahsil Aarang Naya Raipur District Raipur (Chhattisgarh)
- The Collector Mahasamund Collector Office Mahasamund P. S. Mahasamund District Mahasamund (Chhattisgarh)
- The Tahsildar Baghbahara Tahsil Office Baghbahara P. S. Baghbahara District Mahasamund (Chhattisgarh)
- Gram Panchayat Komakhan Through Its Sarpanch Komakhan Office Of Gram Panchayat Komakhan P. S. Komakhan District Mahasamund (Chhattisgarh)
- Junior Engineer C. S. E. B. Office Komakhan P. S. Khomakhan District Mahasamund (Chhattisgarh)
- Executive Engineer, C. S. E. B. Office Mahasamund P. S. Mahasamund District Mahasamund (Chhattisgarh)
- Shri Hajilal Sahu S/o. Dharam Singh Sahu Address Bajrang Pan Bhandar Above Shri Jwalji Mandir Komakhan P. S. Komakhan District Mahasamund (Chhattisgarh)
- Shri Salikram Yadav S/o. Sukhchain Yadav Address Shri Cloth Centre Above Shri Jwalaji Mandir Komakhan P. S. Komakhan District Mahasamund (Chhattisgarh)

---- Respondent

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| For Petitioner        | : | Shri PK Tulsyan, Advocate                 |
| For Respondents-State | : | Shri Adhiraj Surana, Dy. GA for the State |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board**

**02/12/2015**

1. Learned counsel for the petitioner would submit that respondents No.7 & 8 have encroached over the government land falling in front of petitioner's property and the concerned Tehsildar has already passed an order under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959') in the year 2009 and 2010, however, even after lapse of more than five years, the order is not executed and the encroachment is not removed.
2. Considering the order passed by the Tehsildar, which has been annexed as Annexure P-2 at page No.39, 55 & 76 in this writ petition, the writ petition is disposed of with a direction that in the event the said orders have not been challenged in appeal or the matter has attained finality in appellate or revisional proceedings, the concerned Tehsildar shall take immediate steps to remove the encroachment made by respondents No.7 & 8. While doing so he may seek assistance of the concerned police. Needful may be done within a period of six months from today.

Sd/-

Judge

Prashant Kumar Mishra

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