

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1731 of 2015

1. Rajesh Ram S/o Nanhadev Bhuenya, Aged About 35 Years R/o Village Navapara, Tahsil Ramanujganj, Distt. Balrampur- Ramanujganj, (Chhattisgarh)
2. Dhanu, S/o Nanhadev Bhuenya, Aged About 40 Years R/o Village Navapara, Tahsil Ramanujganj, Distt. Balrampur- Ramanujganj, (Chhattisgarh)
3. Jeetan Ram, S/o Ram Kishun Bhuenya, Aged About 43 Years R/o Village Navapara, Tahsil Ramanujganj, Distt. Balrampur, (Chhattisgarh)
4. Narsingh, S/o Ramkishun Bhuenya, Aged About 41 Years R/o Village Navapara, Tahsil Ramanujganj, Distt. Balrampur- Ramanujganj, (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Collector, Bhu- Abhilekh Shakha, Balrampur, Distt. Balrampur- Ramanujganj, (Chhattisgarh)
3. Tahsildar, Tahsil Ramanujganj, Distt. Balrampur- Ramanujganj, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Sanjay Patel, Advocate.
For Respondent/State	:	Shri Satish Gupta, Government Advocate on advance copy.

Order On Board

23/09/2015

Heard.

1. The grievances of the petitioners are that without drawing any proceedings under Section 248 of the Land Revenue Code and passing any order of eviction, the respondent No.3 has directed the petitioners to vacate the land.
2. Learned counsel for the petitioners submit that all the petitioners are the owners in possession of their respective land and they have not encroached upon any Government land. The Tahsildar ought to have held proper enquiry before acting against the petitioners.

3. Learned counsel for the State submits that the notice only shows that the petitioners have been asked to vacate the land. According to the Tahsildar, the petitioners have encroached upon the Government land.

4. It appears that the petitioners have been noticed to vacate the land, which is alleged to be Government land on the allegation that the petitioners have encroached upon it.

5. In view of the assertion of the petitioners and that they are not prepared to vacate the land, the Tahsildar is required to draw proceedings under Section 248 of the Land Revenue Code against the petitioners. Without there being any proceedings under Section 248 of the Land Revenue Code, the petitioners cannot be evicted. This petition is, therefore, disposed off with a direction that if according to the respondents, the petitioners are encroacher, the respondent No.3/Tahsildar would be at liberty to draw proceedings under Section 248 of Land Revenue Code and after affording opportunity of hearing to lead oral and documentary evidence, if it is found that the petitioners have encroached, appropriate order may be passed.

Sd/-

Manindra Mohan Shrivastava

J U D G E