

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1659 of 2015

Preetam S/o Son Singh Marar, Aged About 45 Years R/o.Village Purramtola, Tahsil
And P. S. Chhuriya, District Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Welfare
Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur
(Chhattisgarh)
2. Collector, Rajnandgaon (Chhattisgarh)
3. Tahsildar, Chhuriya, District Rajnandgaon (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vijay Kumar Sahu, Advocate.
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer on advance copy.

Order On Board

15/09/2015

Heard.

1. The petitioner has filed this petition aggrieved by the action of the respondent authorities by which, the structure made by the petitioner has been demolished. The petitioner has also prayed for direction to respondent No.3 to consider petitioner's claim for compensation.
2. Pursuant to notice issued to the petitioner, the petitioner admitted in his reply that without any allotment, he has raised construction. In other words, the petitioner admitted, himself, to be an encroacher. Thereafter, the illegal construction has been removed.
3. The assertion of the petitioner that he had remained in possession of the land for the last more than 30 years, cannot be examined at this stage as this would require enquiry into facts.
4. This Court would not issue declaration of title or injunction in favour of the petitioner and remedy of the petitioner lies elsewhere.

5. The petitioner having admitted, himself, to be encroacher, no relief can be granted to him in exercise of jurisdiction under Article 226 of the Constitution of India. . The petition is therefore dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E