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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 12 of 2016**

1. Hajilal Sahu S/o Dharam Singh Sahu, Aged About 45 Years R/o Village- Lukupali, Tahsil- Baghbehra, P.S.- Baghbehra, District- Mahasamund, Chhattisgarh(Respondent No.7)
2. Salikram S/o Sukhchain Yadav, Aged About 51 Years R/o Village- Lukupali, Tahsil- Baghbehra, P.S.- Baghbehra, District- Mahasamund, Chhattisgarh(Respondent No.8)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Administration Department Mantralaya, P.S. Rakhi, Tahsil Aarang, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector, Mahasamund, Collector Office Mahasamund, P.S. Mahasamund, District Mahasamund, Chhattisgarh
3. The Tahsildar, Baghbehra, Tahsil Office Baghbehra, P.S. Baghbehra, District Mahasamund, Chhattisgarh
4. Gram Panchayat Koma Khan Through Its Sarpanch Komakhan, Office Of Gram Panchayat Komakhan P.S. Komakhan District Mahasamund, Chhattisgarh
5. Junior Engineer, C.S.E.B., Office Komakhan, P.S. Komakhan, District Mahasamund, Chhattisgarh
6. Executive Engineer, C.S.E.B. Office Mahasamund P.S. Mahasamund District Mahasamund, Chhattisgarh
7. Shree Jwalaji Sewa Samiti, Through Its, President Shri Awadesh Agrawal S/o Late Ram Kumar Agrawal Address- Post Komakhan P.S. Komakhan Tahsil- Baghbehra District Mahasamund, Chhattisgarh(Writ Petitioner)

---- Respondents

For Petitioners	:	Ms. Deepali Pandey, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State
For Respondent No.7	:	Shri PK Tulsyan, Advocate

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

22/02/2016

1. I.A. No.1, an application for condonation of delay in filing the review petition, is allowed.
2. The review petition is heard on admission.
3. By order dated 2-12-15 in WPC No.2142/2015, this Court had passed the following order:-

“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.”

4. It is argued that after filing of this review application, the State authorities have demolished the super structure build by the petitioner on the encroached land even though the appeal was pending before the superior revenue authorities.
5. If the encroachment has already been removed, there is no occasion for the petitioner to continue with this review application because the subject encroachment has already been removed and the cause of action does not survive.

6. No case for entertaining this review application is made out. It is accordingly dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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