

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 877 of 2016

Ramkripal Sahu S/o Shri Ramsunder Sahu, Aged About 50 Years R/o. Village Mendra, Post Tara, P.S. Premnagar, District Surajpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Mahanadi Bhawan, Naya Raipur District Raipur (Chhattisgarh)
2. Collector Surajpur, District Surajpur (Chhattisgarh)
3. Sub Divisional Officer (Revenue) Surajpur, District Surajpur (Chhattisgarh)
4. Tahsildar Premnagar, District Surajpur (Chhattisgarh)

---- Respondents

Ms. Neha Verma, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/04/2016

This petition has been filed by the petitioner seeking indulgence of this Court in the matter of apprehension of demolition.

2. Learned counsel for the petitioner submits that about 30 years before, the petitioner constructed a house on the Government land. It is submitted that proceedings for removal is initiated and the case was listed before the Sub-Divisional Officer on 01/04/16 wherein reply has been submitted but in the meantime, before passing any order of removal of encroachment under the law, boundary wall has been demolished and the petitioner is apprehending that his house may also be demolished.

3. There is no material on record to show that the petitioner entered the Government land under authority of any lease, license, permit etc. According to petitioner's own showing, the petitioner has applied for grant of lease.

4. If the petitioner claims to be in possession of the property since last 30 years and on that basis, claiming to have prescribed any title, the petitioner's remedy lies in filing a suit and seeking injunction. In the absence of there being any material to show that any lease, license, permit etc. was granted, no relief can be granted by this Court.

Therefore, with the liberty to file suit, this petition is dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Deepti