

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 958 of 2016**

Leela Das Dhihre S/o Nar Singh, Aged About 62 Years R/o
Village Darba, P.O. Mandir Hasaud, Tahsil Arang, Civil And
Revenue District Raipur, (Chhattisgarh)

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Public Works New Mantralaya, Mahanadi Bhawan, Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
2. The Collector, Raipur, District Raipur, (Chhattisgarh)
3. Sub Divisional Officer, Arang, Tahsil Arang, District Raipur, (Chhattisgarh)
4. Additional Tahsildar, Mandir Hasaud, Tahsil Arang, District Raipur, (Chhattisgarh)
5. Chief Engineer, Public Works Department, Raipur, District Raipur, (Chhattisgarh)
6. Sub Engineer, P. W. D. Raipur, Circle Raipur, District Raipur, (Chhattisgarh)
7. Patwari, Patwari Halka No.15, Village Darba, Tahsil Arang, District Raipur, (Chhattisgarh)

---- **Respondents**

For Petitioner	: Mr. C.R. Sahu, Advocate.
For State	: Mr. B. Gop Kumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22/04/2016**

Heard.

1. This petition has been filed by the petitioner assailing correctness and validity of order dated 25.05.2015 (Annexure P/6) and eviction warrant dated 25.05.2015 (Annexure P/2).
2. Learned counsel for the petitioner submits that the petitioner

was enjoying a *patta* but an order of eviction has been illegally passed in purported exercise of power under Section 248 of the Chhattisgarh Land Revenue Code.

3. A perusal of Annexure P/6 shows that an order of eviction under Section 248 of the Land Revenue Code has been passed by the Additional Tahsildar, Mandir Hasaud, Tahsil Arang, District Raipur way back on 25.05.2015. Earlier a Writ Petition (C) No.1383 of 2015 was filed before this Court on 10.08.2015, confining challenge only to the warrant of possession dated 25.05.2015. This Court dismissed the petition holding that in the absence of challenge to the order passed under Section 248 of the Land Revenue Code, the petition is not maintainable. A liberty was reserved to the petitioner to challenge the order of eviction passed by the Revenue Authorities.

4. The petitioner has now approached this Court challenging the order of eviction dated 25.05.2015.

5. The grounds which have been urged before this Court, could be raised by the petitioner by taking recourse to the alternative and efficacious statutory remedy of appeal under the Land Revenue Code itself. The finding of encroachment is a finding of fact. No extraordinary grounds are made out warranting interference with the order of eviction passed by the Naib Tahsildar in exercise of power under Section 248 of the Land Revenue Code. The petitioner without availing the remedy of appeal against an order which was passed way back on 25.05.2015, has approached this Court, after long time of almost one year.

6. In view of the above, the petition is liable to be dismissed both on the grounds of delay and the existence of alternative remedy of appeal.

7. With the liberty to prefer an appeal before the Appellate Authority under the provision of the Land Revenue Code, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E