

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 995 of 2015

1. Rakesh Agrawal S/o Mahendra Agrawal Aged About 31 Years Caste Agrawal, Occupation Businessman R/o Jashpur Road Pathalgaon, Tahsil & Ps Pathalgaon, District Jashpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Revenue Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Commissioner (Revenue), Surguja Division Surguja (Chhattisgarh)
3. The Collector Jashpur District Jashpur (Chhattisgarh)
4. Sub Divisional Officer (Revenue) Pathalgaon, Tahsil Pathalgaon District Jashpur (Chhattisgarh)
5. The Tahsildar, Tahsil Pathalgaon, District Jashpur (Chhattisgarh)
6. Chief Municipal Officer, Nagar Panchayat Pathalgaon, District Jashpur (Chhattisgarh)

---- Respondent

And

WPC No. 996 Of 2015

1. Manoj Kumar Haldhar S/o P.R. Haldhar Aged About 38 Years Caste Namoshudra, Occupation Hotel R/o- Jashpur Road, Pathalgaon, Tahsil- Pathalgaon, Ps- Pathalgaon, District- Jashpur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Revenue Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Commissioner (Revenue), Surguja Division Surguja (Chhattisgarh)

3. The Collector Jashpur District Jashpur (Chhattisgarh)
4. Sub-Divisional Officer (Revenue) Pathalgaon, Tahsil Pathalgaon District Jashpur (Chhattisgarh)
5. The Tahsildar, Tahsil Pathalgaon, District Jashpur (Chhattisgarh)
6. Chief Municipal Officer, Nagar Panchayat Pathalgaon, District Jashpur (Chhattisgarh)

---- Respondent

And

WPC No. 997 Of 2015

1. Vishwanath Agrawal S/o Maniram Agrawal Aged About 60 Years Caste-Agrawal, Occupation- Businessman R/o Coal Factory Lane, Pathalgaon, Tahsil & Ps Pathalgaon, District Jashpur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Revenue Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Commissioner (Revenue), Surguja Division Surguja (Chhattisgarh)
3. The Collector Jashpur District Jashpur (Chhattisgarh)
4. Sub-Divisional Officer (Revenue) Pathalgaon, Tahsil Pathalgaon District Jashpur (Chhattisgarh)
5. The Tahsildar, Tahsil Pathalgaon, District Jashpur (Chhattisgarh)
6. Chief Municipal Officer, Nagar Panchayat Pathalgaon, District Jashpur (Chhattisgarh)

---- Respondent

For Petitioners	Shri Mateen Siddiqui, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate
For Respondent No.6	Shri Arun Sao, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/01/2016

Heard learned counsel for the parties.

1. Petitioners are challenging the order passed by the Tahsildar, Pathalgaon, District Jashpur, whereby power under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the CGLRC') has been exercised to direct petitioners' eviction from the encroached Government land.
2. Shri Shashank Thakur, learned Govt. Advocate appearing for the State and Shri Arun Sao, learned counsel appearing for the respondent No.6, would submit that the petitioners have already preferred appeals before the Sub Divisional Officer (Revenue), Pathalgaon (for short 'the SDO'), therefore, the present writ petitions are not maintainable.
3. At this juncture, Shri Mateen Siddiqui, learned counsel appearing for the petitioners, would submit that although the petitioners have already preferred appeal, but their applications for grant of lease of the subject land are pending consideration before the Collector, Jashpur, therefore, at least till the applications for grant of lease are pending before the Collector, the petitioners may be protected.
4. Considering the entire facts satiation of the case, all the writ petitions are disposed of with a direction that the Collector, Jashpur, shall consider and decide the petitioners' applications for grant of lease

within a period of three months from today. As soon as the said applications are decided, the SDO shall consider and decide the appeals preferred by the respective petitioners, which, in turn, have been preferred by the petitioners to challenge the order passed by the Tahsildar by exercising the powers under Section 248 of the CGLRC, within a further period of two months.

5. Till the matter is pending before the Collector, Jashpur or the SDO, as the case may be, the interim order passed earlier by this Court on 11-6-2015 shall remain in operation.

6. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri