

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3061 of 2016**

- Master Piyush Arjun S/o N. Arjunan, Aged About 22 Years R/o Dutta Colony, Banaras Road, Ambikapur, Post And Tahsil Ambikapur, District Surguja, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Superintending Engineer, Public Works Department, Division No.1, Bilaspur, District Bilaspur, (Chhattisgarh)
3. Sub Divisional Officer, Public Works Department, Sub Division, Koni, Bilaspur, District Bilaspur, (Chhattisgarh)
4. Collector, Bilaspur, District Bilaspur, (Chhattisgarh)
5. Tahsildar, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Manoj Paranjpe, Advocate
For Respondent /State	Mr. Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/12/2016**

1. Heard.
2. Mr. Manoj Paranjpe, learned counsel for the petitioner, would submit that the petitioner owns land admeasuring 3619 sq. ft. bearing Khasra No.748/2005, Patwari Halka No.20, Sarkanda,

Bilaspur, which is falling on the Bilaspur-Ratanpur road, where the National Highway is widened to make a four-lane road . He would submit that initially, the Municipal Corporation wanted to construct a drain on the petitioner's land, against which, he had preferred WPC No.3454 of 2007, which was disposed of on 18.02.2011. He submits that by the impugned notice- Annexure P/1, the SDO, PWD, Sub Division, Koni, has directed the petitioner to remove the encroachment even though the land owned by him has not been demarcated nor the SDO(R), PWD, is any authority to direct removal of encroachment, if any. He would further submit that if the petitioner's land is required for public purpose i.e. for widening of road, the authorities may acquire it in accordance with law, however, the petitioner cannot be branded as an encroacher despite there being registered sale-deed of the land in his favour.

3. Mr. Ramakant Mishra, learned Dy. AG for the State, would submit that the impugned notice clearly indicates that the petitioner has encroached over the Government land, therefore, he should vacate the land.
4. Consider the rival submission and the entire facts' situation of the case, the writ petition is disposed of with direction that the SDO(R), Bilaspur shall demarcate the area particularly comprising the petitioner's area through the Tehsildar, Bilaspur and if the petitioner is found to have encroached over any Government land, the respondents may proceed in accordance

with law. However, if the petitioner is not found to have encroached over any Government land, the respondents shall not demolish the structure but shall be at liberty to raise any construction whether of drainage or widening of road after following the procedure established by law.

5. Let the demarcation be carried out within 06 weeks and thereafter, needful be done within a period of 06 months thereafter.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna