

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 499 of 2016

Santosh Sahu S/o Vishambar Sahu, Aged About 35 Years
R/o Village Chandi, Tahsil Simga, Dist. Baloda Bazar-
Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Baloda Bazar Bhatapara (Chhattisgarh)
3. Tahsildar, Baloda Bazar, Dist. Baloda Bazar Bhatapara (Chhattisgarh)
4. Shree Cement Company Limited, Through Its General Manager, Kapradih Dist. Baloda Bazar Bhatapara (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Aditya Bhardwaj, Advocate.
For State	:	Mr. B. Gop Kumar, Dy. A.G. on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/02/2016

Heard on admission.

1. This petition has been filed by the petitioner seeking direction to respondents No.2 & 3 to take action against respondent No.4 on the allegation that respondent No.4 has encroached upon a public road.
2. The petitioner submitted a representation before the

Collector, who directed Tahsildar, Baloda Bazar to examine the matter.

3. In cases where there is an allegation of encroachment of public road, remedy lies in approaching competent authority in removing encroachment.

4. Learned State counsel pointed out that Tahsildar has already been directed by the Collector to look into the matter.

5. In view of the above and looking to the nature of allegations in the petition, the fact finding enquiry is necessary in appropriate proceedings whether respondent No.4 has encroached upon public road. The petitioner has already moved an application before Tahsildar on 09.02.2016 and Collector has also issued a direction to Tahsildar on 04.12.2015. Let the Tahsildar make enquire into the allegation of the petitioner and take appropriate decision in accordance with law.

6. With the aforesaid observations, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge