

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 622 of 2016

Hem Kumar Barik S/o Dhanpati Barik, Aged About 42 Years Caste Kenwat,
R/o Village & Post Bhanwarpur, Police Station Basna, District Mahasamund
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, Mahasamund, District Mahasamund (Chhattisgarh)
3. The Sub Divisional Officer, Saraipali, District Mahasamund (Chhattisgarh)
4. The Tahsildar, Basna, District Mahasamund (Chhattisgarh)
5. The Patwari, Patwari Halka No. 20, R.I.C.- Bhanwarpur, Tahsil Basna, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Rahul Mishra, Advocate
For Respondent-State	:	Shri B. Gop Kumar, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/03/2016

Heard.

1. By this petition, the petitioner has challenged the notice dated 29.1.2016 (Annexure P-1) issued by respondent No.5 requiring the petitioner to remove encroachment, failing which proceedings for removal of encroachment as per the order of the Sub Divisional Officer shall be initiated.

2. Learned counsel for the petitioner submits that with the permission of Gram Panchayat granted in the year 2012, the petitioner and other persons had constructed the shops and now they are being removed which is illegal.
3. The petitioner has not placed on record any document of allotment of land in his favour by any of the authority of the State. The averment regarding grant of permission by Gram Panchayat is not supported by any document whatsoever.
4. Notice (Annexure P-1) issued by the Patwari shows that notice has been issued pursuant to an order of the SDO. The order of the SDO is neither challenged nor annexed along with the petition. In the absence of there being any allotment in favour of the petitioner, writ Court would not come to the aid of the petitioner. If the petitioner intends to challenge the order of the SDO referred to in the notice of the Patwari, it would be open for the petitioner to take recourse to appropriate remedy.
5. With liberty to challenge the order of any competent authority, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge