

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1357 of 2016**

1. Rambilas S/o Beniram, Aged About 55 Years R/o Village Kotmi, Post Ghursena, Tahsil Nawagarh, District Durg, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Country And Town Planning, Mantralaya, Mahanadi Bhavan, Naya Raipur, (Chhattisgarh)
2. Collector, District Janjgir Champa, (Chhattisgarh)
3. Tahsildar, Tahsil Akaltara, District Janjgir Champa, (Chhattisgarh)

**---- Respondent**

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| For Petitioner       | Shri R.K. Bhagat, Advocate        |
| For Respondent/State | Shri P.K. Bhaduri, Govt. Advocate |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**13/06/2016**

1. By this petition, the petitioner has assailed the distress warrant issued by the Tahsildar, Akaltara directing him to vacate the possession on the Government land, which he has encroached as also to pay a fine of Rs.1200/-.
2. The distress warrant is issued in execution of the order passed under Section 248 of the Chhattisgarh Land Reveue Code, 1959 ('the Code' in short). It is not independent of the proceedings for removal of encroachment.

3. The writ petition challenging only the distress warrant without challenging the original order of removal passed under Section 248 of the Code is not maintainable. Even otherwise, an order passed under Section 248 of the Code, 1959 is appealable under Section 44 thereof.
4. Accordingly, the writ petition is dismissed as not maintainable, however, the petitioner may take recourse to the alternative remedy as may be available under the provisions of law.

Sd/-

Judge

Prashant Kumar Mishra

Gowri