

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1742 of 2015

- Karan Singh S/o Kamta Ram, Aged About 49 Years R/o Village Purramtola, Tahsil And P.S. Chhuriya, District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Rajnandgaon, (Chhattisgarh)
3. Tahsildar, Chhuriya, District Rajnandgaon, (Chhattisgarh)
4. Maa Bamleshwari Mahila Smooh, Purramtola, Through: Its President, Maa Bamleshwari Mahila Smooh, Purramtola, P.S. Chhuriya, District Rajnandgaon, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Vijay Kumar Sahu, Advocate
For Respondent /State	Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/1/2016

Heard finally with the consent of learned counsel for the parties.

(2) In this petition under Article 226 of the Constitution of India, the petitioner has prayed for a direction to respondents 3 & 4 to compensate the petitioner for carrying out illegal demolition of his house situated at Village Purramtola, Tahsil Chhuriya, District Rajnandgaon.

(3) The return filed by the respondents would indicate that the petitioner was an encroacher over the Government land and has raised the construction in an illegal and unauthorized manner. It has also been stated that during the proceedings under Section 248 of the C.G. Land Revenue Code, 1959 before the concerned Tehsildar, the petitioner had submitted an undertaking on 18.06.2015 that he shall remove the unauthorized construction. Representation filed by the villagers has also been annexed with the return, wherein, it is stated that the villagers have already constructed a public stage for conducting cultural programmes on the premises, wherein, the petitioner had raised the unauthorized construction.

(4) However, if the petitioner still claims that he owns the land and the removal of encroachment or demolition was not in accordance with law, he would be at liberty to prefer a suit before the jurisdictional Civil Court, wherein, the issue of petitioner's title shall be considered and thereafter, grant of compensation shall also be decided on the basis of evidence adduced by the parties.

(5) The writ petition stands finally disposed of in the above terms.

Sd/-

Judge

(Prashant Kumar Mishra)