

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 470 of 2015

- Narmada Singh S/o Shri Ramprasad, Aged About 45 Years R/o Village- Kargikhurd, P.S.- Pendra, Tahsil- Pendra Road, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Om Prakash Verma, S.D.O., (Revenue) Pendra Road, Tahsil- Pendra, District- Bilaspur, Chhattisgarh
2. Balkrishna Tamrakar, Tahsildar, Tahsil Office Pendra, District Bilaspur, Chhattisgarh
3. Smt. Dayalati Bai, Sarpanch, Gram Panchayat Kargikhurd, Block- Gourela, Tahsil- Pendra, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Shri Rajendra Kumar Patel, Advocate.
For Respondent No.1 : Shri Sangharsh Pandey, Advocate.
For Respondent No.2 : Shri Rishi Rahul Soni, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/03/2016

1. WPC No.96/2015 preferred by the petitioner was disposed of on 21.1.2015 in the following manner:-

“Learned counsel for the petitioner would submit that the respondents No.6 & 7 have encroached over government land and the concerned revenue authorities, who are responsible to remove encroachment are not taking any action despite representation submitted by the petitioner and other villagers.

2. Considering the nature of dispute, the writ petition is

disposed of with a direction to the respondents No. 3, 4 & 5 to enquire the matter and if the respondents No.6 & 7 or any other person is found to have encroached government land, appropriate proceedings be initiated for removal of encroachment.”

2. It is stated by learned counsel for the contemnors that the proceeding has already been initiated against the alleged encroachers and the same is pending consideration. The fact as to whether the said persons have encroached any Government land or not can be determined only at the end of the proceeding. Therefore, at present, no case for proceeding ahead with the Contempt Petition is made out.
3. It appears, the contemnors have complied with the order passed by this Court by initiating proceeding against the alleged encroachers, however, till the enquiry is concluded, it cannot be assumed that the persons against whom case has been registered have encroached any Government land. Therefore, initiation of steps for removal of encroachment can be undertaken only after the enquiry is concluded.
4. For the foregoing, there is no material to proceed against the contemnors at this stage. The Contempt Petition is therefore disposed of with a direction that proceeding against the alleged encroachers be concluded at the earliest preferably within a period of 6 months from today.

Sd/-
Judge
(Prashant Kumar Mishra)