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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2309 of 2016**

1. Gram Panchayat, Hanfa Through Its Sarpanch Vijay Bhaumik, Gram Panchayat Hanfa, Block Takhatpur, Up Tahsil Sakti, District Bilaspur Chhattisgarh
2. Shiksha Samiti Gram Hanfa, Through Its President Nitesh Mishra, Gram Panchayat Hanfa, Block Takhatpur, Up Tahsil Sakti, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Commissioner, Bilaspur Division, Bilaspur Chhattisgarh
3. The Collector, District Bilaspur Chhattisgarh
4. The Sub Divisional Officer, (R) Kota District Bilaspur Chhattisgarh
5. The Additional Tahsildar, Up Tahsil Sakri, District Bilaspur Chhattisgarh
6. Balendra Mishra, S/o Late Ramkumar Mihsra, Aged About 50 Years R/o Gram Panchayat Hanfa, Block Takhatpur, Up Tahsil Sakti, District Bilaspur Chhattisgarh
7. Dilip Mishra S/o Balendra Mishra, Aged About 28 Years R/o Gram Panchayat Hanfa, Block Takhatpur, Up Tahsil Sakti, District Bilaspur Chhattisgarh
8. Sandeep Mishra, S/o Balendra Mishra, Aged About 25 Years R/o Gram Panchayat Hanfa, Block Takhatpur, Up Tahsil Sakti, District Bilaspur Chhattisgarh

---- Respondent

For Petitioners : Shri Bharat Rajput, Advocate.

For Respondent/State : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/09/2016

1. Petitioner Gram Panchayat has preferred this writ petition through its Sarpanch seeking direction for removal of encroachment made by respondents 6 to 8.
2. In the matter of **Sarpanch, Gram Panchayat Salakhiya Vs. Banshidhar Bhoi & Others** {WPS No.6032/2008, decided on 9.2.2016}, this Court has held that Sarpanch cannot file a writ petition on behalf of Gram Panchayat unless he is authorized by resolution passed by the concerned Gram Panchayat in this regard. Even otherwise, the subject land does not belong to Panchayat. It is a land belonging to Primary School. Therefore, the petitioner should file a WP(PIL) duly supported with affidavit of Secretary of Gram Panchayat together with resolution of the Panchayat taking a decision to file WP(PIL).
3. The Writ Petition stands dismissed as not maintainable subject, however, to the above stated liberty.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve