

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2493 of 2016**

- Hemant Rangari S/o Madhukar Rangari, Aged About 42 Years R/o Nayapara Ward No.1, Narayanpur, District Narayanapur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur, (Chhattisgarh)
2. The Collector, Narayanpur, District Narayanpur, (Chhattisgarh)
3. The Sub- Divisional Officer, Narayanpur, District Narayanpur, (Chhattisgarh)
4. The Tahsildar, Narayanpur, District Narayanpur, (Chhattisgarh)
5. Rohit Singh, Posted As Tahsildar, Narayanpur, District Narayanpur, (Chhattisgarh)
6. Jay Prakash Sharma, S/o Nandkumar Sharma, Councillor Of Ward No.3, Narayanpur, District Naryanapur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rahul Mishra, Advocate
For Respondents-State	:	Shri Ramakant Mishra, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/10/2016**

1. Petitioner is challenging the order passed by the Tehsildar, Narayanpur, whereby he has been directed to remove encroachment, failing which the super-structure shall be demolished and the encroachment shall be removed, cost of which shall be payable by the petitioner.
2. A reading of the order would indicate that in proceedings under Section 248

of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959') final order of removal of encroachment was passed on 13.10.2014 pertaining to the land bearing Khasra No.590 area 0.056 hectares, Patwari Halka No.12, Tehsil & District Narayanpur entered in the revenue papers as "*Chhote Jhad Ka Jungle*". In the said order penalty of Rs.10,000/- was imposed against the petitioner, however, despite making payment of penalty, the petitioner did not remove possession, therefore, the impugned order has been passed.

3. Admittedly, the order has been passed in proceedings under Section 248 of the Code, 1959, against which the petitioner has the remedy of preferring an appeal under Section 44 of the Code, 1959, therefore, the present petition is not maintainable. Accordingly, the writ petition is dismissed as not maintainable.
4. The petitioner, if he is so advised, may prefer an appeal, in accordance with law, which shall be disposed of by the appellate authority on its own merits.

Sd/-

Judge
Prashant Kumar Mishra

Ashu