

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 991 of 2015

- Santu Sonkar S/o Late Tanturam Sonkar Aged About 52 Years
R/o Pandariya Road, Mungeli, Tahsil And District Mungeli
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of
Revenue, Govt. Of Chhattisgarh, Mahanadi Bhawan, Naya
Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. Collector Mungeli, District Mungeli (Chhattisgarh)
3. Tahsildar Mungeli, District Mungeli (Chhattisgarh)
4. Municipal Council Mungeli, Through The Chief Municipal Officer,
Municipal Council Mungeli, District Mungeli (Chhattisgarh)
5. Chief Municipal Officer, Municipal Council Mungeli, District
Mungeli (Chhattisgarh)
6. Kumar Sahu @ Haathiram S/o Anandi Sahu Aged About 55
Years R/o Village Pendrakapa, Tahsil And District Mungeli
(Chhattisgarh)

---- Respondent

For Petitioner	Shri N. L. Soni, Advocate
For Respondent-State	Shri B. Gopa Kumar, Dy. AG
For Respondent Nos.4 & 5	Shri Arun Sao, Advocate
For Respondent No.6	Shri Akhilesh Kumar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

31/08/2016

1. Shri N. L. Soni, learned counsel for the petitioner, would submit
that on the one hand the petitioner's application for grant of lease
is kept pending and others are granted lease on nearby land and

on the other hand the Tahsildar, Mungeli has issued orders for petitioner's dispossession or removal of encroachment.

2. Ordinarily, a writ would not lie directly against the order passed by the Tahsildar except in a case where there is apparent violation of principles of natural justice. In the case in hand, there is finding to the effect that the petitioner is a trespasser or encroacher, therefore, for the present the petitioner has no right to occupy the land. However, at the same time, when the petitioner's application for grant of lease preferred on 25.03.2015 (Annexure-P-5) is pending before the Nazul Officer, Mungeli, the same should have been decided.
3. For the foregoing, while affirming the finding that the petitioner is an encroacher, the writ petition is disposed of with a direction that the petitioner's application dated 25.03.2015 (Annexure-P-5) shall be considered and decided by the Nazul Officer, Mungeli by a reasoned order within a period of one month.
4. If the petitioner is found not entitled for lease, the authorities would be at liberty to proceed to dispossess and remove the encroachment.
5. For a period of one month from today, the petitioner shall not be dispossessed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA