

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3252 of 2016**

- Dhruwnarayan Pandey S/o Shri Chandrabhushan Pandey, Aged About 59 Years, R/o Ramnagar, Lailunga, Tah Lailunga, Distt. Raigarh, Civil And Revenue Distt. Raigarh, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Raigarh, Distt. Raigarh, (Chhattisgarh)
2. Sub Divisional Officer (Revenue), Lailunga, Distt. Raigarh, (Chhattisgarh)
3. Tahsildar, Lailunga, Distt. Raigarh, (Chhattisgarh)
4. Chief Municipal Officer, Nagar Panchayat Lailunga, Distt. Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner
For Respondent-State

Shri M. K. Sinha, Advocate
Shri Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/12/2016**

1. The petitioner would assail the legality and validity of the appellate order passed by the SDO (Revenue), Lailunga, District Raigarh, whereby his appeal under Section 44 of the Chhattisgarh Land Revenue Code, 1959 (henceforth 'the

Code, 1959') to challenge the order passed by the Tahsildar in exercise of power under Section 248 of the Code, 1959 has been rejected.

2. By order dated 25.01.2016 the Tahsildar, Lailunga has directed the petitioner to remove encroachment from the government land and pay fine of Rs.10,000/-, which the petitioner has already paid.
3. It is argued that the petitioner is in possession of a piece of government land having built a house over it and the land falls within the municipal area, therefore, the Tahsildar has no jurisdiction to initiate proceeding under Section 248 of the Code, 1959.
4. Nothing has been placed on record to substantiate the plea that the land is not revenue paying land but belongs to the Nagar Panchayat. If the land is revenue land which has been encroached by the petitioner, the Tahsildar has jurisdiction to initiate proceeding under Section 248 of the Code, 1959.
5. The petitioner has not demonstrated about his right, title or interest over the property except challenging the authority of the Tahsildar. Considering the fact that the petitioner is not entitled to occupied land, indulgence under Article 226 of the Constitution of India is not warranted. Consequently, the writ

petition is dismissed, however, the petitioner is allowed one month's time to make alternative arrangement. The respondents shall allow the petitioner to remain in occupation for one month within which time the petitioner shall remove the encroachment, failing which the respondents may execute the order on or after 31.01.2017.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala