

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.760 of 2014

- Alvinus Panna S/o Shri Pitrus Panna Aged About 53 Years R/o Nava Para, Ambikapur, Ps & Tah Ambikapur, Distt Surguja, Cg

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Epidemic Department, Mahanadi Bhawan, Raipur, Distt Raipur, Cg
2. The Collector Sarguja, Distt Sarguja, Cg
3. The Tahsildar (Nazul) Ambikapur, Distt Surguja, Cg
4. The Nazul Officer, Ambikapur, Distt Surguja, Cg

---- Respondents

For Petitioner	:	Shri R. R. Soni, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/06/2017

Heard.

2. This petition has been filed by the petitioner assailing correctness and validity of show cause notice issued by the Tahsildar, initiating proceedings under Section 248 of the CG Land Revenue Code, 1959, on the allegation that the petitioner is encroacher of nazul land.

There is already a prayer for issuance of direction to the government to consider the petitioner's case for allotment of land on appropriate terms and conditions as proposed by the Nazul Officer in his report forwarded to the government vide memo dated 22-01-2007.

3. It appears that the petitioner has encroached upon some nazul land without any authority and proposal was made by the Nazul Officer for allotment of land to petitioner

on certain terms and conditions of premium and annual lease rent which was not acceptable to the petitioner. The petitioner preferred a representation for reducing the amount of premium and annual lease rent. Thereafter, the Nazul Officer has again considered the case of the petitioner and sent a proposal to the government in the year 2007 which according to the petitioner has remained pending. Now, the proceedings for removal have been initiated against the petitioner by issuing show cause notice.

4. As far as proceedings for removal of encroachment under Section 248 of the CG Land Revenue Code, 1959 are concerned, I am not inclined to interfere with the same, for the simple reason that the petitioner is a encroacher.

However, the proposal sent by the Nazul Officer to the Government in the matter of fixing the amount of premium and annual lease rent should be considered and decided by the Government expeditiously, considering that the proposal has been sent 10 years before. The Government shall take a decision within a period of three months.

5. With the aforesaid observation, this petition is finally disposed off.

SD/-

(Manindra Mohan Shrivastava)

Judge