

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.2969 of 2016

- Punit Ram Sahu S/o Late Shri Bhudhram Sahu, Aged About 60 Years R/o Ward No.1, Gobara, Navapara, Tahsil Abhanpur, District Raipur, (Chhattisgarh) Pin 493881, (Mo No. 9669579779)

---- **Petitioner**

Versus

1. Hariram Sahu S/o Shri Seetaram Sahu, Aged About 45 Years R/o Gobara- Navapara, Tahsil Abhanpur, District Raipur, (Chhattisgarh) Pin 493881
2. Upper Collector, Raipur, (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Shri Basant Kaiwartya, Advocate
For Respondent/State	:	Shri Ashutosh Shukla, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/05/2017

Heard.

2. This petition has been filed by the petitioner under Article 226/227 of the Constitution of India against order dated 25-08-2015 passed by the Board of Revenue.
3. The petitioner is alleged to have encroached upon land and raised certain construction thereon. The petitioner, later on, applied for allotment of the land by way of lease, which was rejected by the competent authority. The appeal was also dismissed and thereafter, the petitioner approached the Board of Revenue and Board of Revenue has also dismissed the appeal, giving rise to the instant petition.

4. Learned counsel for the petitioner submits that since the petitioner had occupied a piece of land and raised certain construction over the same, the authority ought to have considered this case in the light of the fact that the petitioner has raised construction and he is running a restaurant.

5. Reason for rejecting petitioner's application for allotment of land is that the land comprised in Khasra No.785/1 was reserved for public purposes and road has already been constructed. Therefore, the aforesaid land cannot be said to be granted to the petitioner by way of lease. The reason assigned for rejection of appeal does not appear to be illegal or perverse, so as to call for an interference by this Court. Therefore, in these circumstances, no relief can be granted to the petitioner.

6. Learned counsel for petitioner submits that the petitioner has raised construction on the land, therefore, the petitioner prayed that his application for grant of land on some other place may be considered.

7. Leaving it open for the authorities to consider the application of the petitioner for grant of any other parcel of land. Considering that there is a building constructed on the land in dispute, the petitioner would have 30 days time to remove his belongings before construction is removed.

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

SD/-
(Manindra Mohan Shrivastava)
Judge