

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1393 of 2016**

- Smt. Shakuntala Patel W/o Shri Puran Patel, Aged About 42 Years, R/o Village Jevra, Ward No.2, Tahsil And District Durg, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. The Collector, District Durg, (Chhattisgarh)
3. The Sub Divisional Magistrate, Durg, Distt. Durg, (Chhattisgarh)
4. Gram Panchayat, Jevra, Through The Secretary, Tahsil And District Durg, (Chhattisgarh)
5. The Sarpanch, Gram Panchayat Jevra, Tahsil And District Durg, (Chhattisgarh)

**---- Respondents**

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| For Petitioner       | Shri Prateek Sharma, Advocate |
| For Respondent-State | Shri S. Majid Ali, PL         |

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**09/02/2017**

1. Petitioner would call in question the impugned communication issued by the respondent Nos.4 & 5, Gram Panchayat, Jevra, Tahsil and District Durg directing the

petitioner to remove encroachment, failing which encroachment shall be removed.

2. If there is any encroachment on any government land, the appropriate authority for initiating proceedings is the concerned revenue authority, who may act on information received from the Gram Panchayat, but the Gram Panchayat itself cannot evict any villager by taking law into its hands.
3. Despite the communication (Annexure-P-1), the petitioner cannot be removed by the Gram Panchayat itself by use of force or otherwise, therefore, the writ petition is disposed of with a direction that the petitioner shall not be evicted from the subject land without following due course of law. It will remain open for the Gram Panchayat to move before the concerned revenue authority.
4. The writ petition stands disposed of.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala