

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1717 of 2016

Gustaf Lakda, aged about 78 years, S/o Late Patras Lakda,
Occupation Ex-Servicemen, Caste Schedule Tribe, R/o Ring
Road, Kedarpur, Tahsil Ambikapur, Distt. Surguja (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Revenue, New Mantralaya, Mahanadi Bhawan, Raipur (C.G.)
2. Union of India, through the Secretary, Ministry of Defence, New Delhi.
3. The Collector, Distt. Surguja (C.G.)
4. Surguja Zila Sainik Kalyan Kendra, Ambikapur, Distt. Surguja (C.G.) through the authorized officer.

---- Respondents

For Petitioner: Mrs. Smita Ghai, Advocate.

For Respondents No.1, 3 and 4/State: -

Mr. Gary Mukhopadhyay, Deputy Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/07/2017

1. The petitioner calls in question the order dated 19-10-2015 (Annexure P-7) by which the District Sainik Kalyan Board respondent No.4 directed the petitioner to remove his encroachment stating that the land in question has been allotted for Sainik Rest House.
2. Learned counsel for the petitioner submits that the petitioner has unauthorizedly been evicted from the subject land by respondent No.4 as he has been allowed to construct house on the said land.

3. Learned State counsel would bring to the notice of the Court that on 22-10-2013, proceeding for removal of encroachment has been initiated against the petitioner in which the petitioner has been served notice and on 11-11-2013, the petitioner has admitted his encroachment and on 29-11-2013, order of eviction has already been passed, that has not been challenged and it has become final.
4. Be that as it may, since the petitioner himself has admitted his encroachment on the subject land and order of eviction dated 29-11-2013 has already been passed against the petitioner which has not been challenged and as such, the same has become final being unchallenged, the petitioner is not allowed to question Annexure P-7 i.e. the order of removal passed by respondent No.4 to whom the land has been allotted for construction of Sainik Rest House.
5. In view of the above, the petition deserves to be and is accordingly, dismissed, as the eviction proceeding against the petitioner has become final which has not been challenged. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge