

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (PIL) No. 3 of 2017**

1. Dhaneshwar Singh S/o Somar Sai, Aged About 61 Years R/o Village Navapara Kala, P. S. & Tahsil Premnagar, District Surajpur (Chhattisgarh)
2. Banshilal Sahu, S/o Sukhlal Sahu, Aged About 55 Years R/o Village Navapara Kala, P. S. & Tahsil Premnagar, District Surajpur (Chhattisgarh)

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through : Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. Collector, Surajpur, District Surajpur (Chhattisgarh)
3. Sub Divisional Officer ( Revenue), Surajpur, District Surajpur (Chhattisgarh)
4. Tahsildar, Tahsil Premnagar, District Surajpur (Chhattisgarh)
5. Gram Panchayat Navapara Kala, Through Its Sarpanch, Gram Panchayat Navapara Kala, P. S. & Tahsil Premnagar, District Surajpur (Chhattisgarh)
6. Ramhit Sahu, S/o Ram Pratap Sahu, Aged About 35 Years R/o Village Navapara Kala, P. S. & Tahsil Premnagar, District Surajpur (Chhattisgarh).

**---- Respondents**


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| For Petitioners     | : Smt. Meena Shashtri, Advocate                 |
| For State           | : Shri Y.S. Thakur, Additional Advocate General |
| For Respondent No.6 | : Shri V.K. Pandey, Advocate                    |

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**Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice****Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****11.07.2017**

1. We have heard the learned Counsel for the Petitioners, the learned Additional Advocate General and the learned Counsel for the impleaded private Respondent – Ramhit Sahu.

2. The Petitioners' plea in this Public Interest Litigation is that the private Respondent and others have taken illegal possession of some Government land out of certain portions which is being used for Primary School, Middle School, Angan Badi, Panchayat Bhawan and Health Centres. The Petitioners have made a representation to the Secretary, Department of Revenue on 31.03.2016, it is pleaded. While the Petitioner is justified in saying that the public land may not be permitted to be encroached upon, that is an issue which has to be addressed, in the first instance, by the Government and other public functionaries who deal with the public land and are duty bound to protect and conserve such lands. Therefore, without expressing anything on merits, this Writ Petition is ordered directing that any representation of the Petitioners received by the Secretary in the Department of Revenue will be taken up and considered in accordance with law and requisite orders or directions as may be called for may be passed. This will also provide the Government to have an opportunity to conserve the public land about which the complaint is made of. That shall be done following due process of law; not otherwise. Let the requisite proceedings, if any, be initiated within a period of three months from the date of receipt of copy of this Order.

3. This Writ Petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)  
Chief Justice

Sd/-

(Sharad Kumar Gupta)  
Judge