

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 106 of 2017

- Ramsharan Rajak S/o. Foolshing Rajak Aged About 45 Years R/o Village Arjuni (Matar Chowk), Tahsil & District Baloda Bazaar Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Collector, District Baloda Bazar Bhatapara (Chhattisgarh).
2. Sub Divisional Magistrate, Sub Division- Baloda Bazar, District Baloda Bazar Bhatapara (Chhattisgarh)
3. Sarpanch, (Presided By Smt. Bitrekha Sahu) Village Panchayat- Arjuni, Tahsil Baloda Bazar, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	Mr. Hemant Gupta, Advocate
For Respondent /State	Mr. A.S. Kachhwaha, Addl. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/1/2017

1. Heard.
2. This petition has been filed by the petitioner challenging the action of the respondents in requiring the petitioner to remove the encroachment.
3. Learned counsel for the petitioner would submit that the Sarpanch of Gram Panchayat does not have authority under the

law to take up any demolition proceedings.

4. The impugned notice -Annexure P/1 is only that the petitioner has been asked to submit papers with regard to his possession.
5. The petitioner's apprehension that he may be proceeded against and the demolition proceedings may be taken up by the Sarpanch, is not well founded. Any action of demolition has to be carried out in accordance with law and not without the authority of law.
6. The petitioner has not placed on record any document to show his right under which he has occupied the land, which apparently is Government land.
7. Therefore, in these circumstances, this Court is not inclined to grant any protection to the petitioner except that in case any demolition proceedings are drawn, the same shall be done by the competent authority by following the procedure prescribed under the law.
8. The writ petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Shyna