

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 562 of 2017

1. Rajendra Das S/o Kripa Das, Aged About 29 Years R/o Village Boldakala, Tahsil Bodla, District Kawardha (Kabirdham), Chhattisgarh.
2. Kripa Das, S/o Budhari Das, Aged About 50 Years R/o Village Boldakala, Tahsil Bodla, District Kawardha (Kabirdham), Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, District Kabirdham (Chhattisgarh).
3. Tahsildar Bodla, Tahsil Bodla, District Kabirdham (Chhattisgarh).
4. Gram Panchayat Boldakala, Through Its Secretary Gram Panchayat Boldakala, Tahsil Bodla, District Kabirdham, Chhattisgarh.

---- Respondent

For Petitioners
For Respondent/State

Shri Chandresh Shrivastava, Adv.
Shri D.K. Whankhade, Govt. Adv.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

08/03/2017

1. Admittedly the petitioners have encroached some portion of Government land bearing khasra No.149 area of 1.07 acres situated at village Bodla, Tahsil Bodla, District Kabeerdham. It also appears from the receipt of payment of fine made by the petitioners available at page 13, 14 & 15 of the writ petition that some proceedings under

Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code') must have been drawn wherein the petitioners were directed to pay the fine amount.

2. It is argued that on the land in question there are about 10 encroachers, but the petitioners have been picked up for removal of encroachment by issuance of distress warrant (Annexure – P/1) while others have been spared and no action is taken against them.
3. The petitioners would be at liberty to move an appeal against the order passed under Section 248 of the Code. The order Annexure – P/1 is issued in course of execution of order passed under Section 248 of the Code and is not independent, however, at the same time, the authorities should not discriminate amongst the encroachers, to say, if order of removal has been passed against other encroachers they should also be removed from the concerned area so that the Government land is made free from encroachment.
4. Learned counsel for the State shall instruct the concerned authority to remove all the encroachment on the subject land.
5. In view of the above, the writ petition is dismissed, subject, however, with the liberty as stated *supra*.

Sd/-

Judge

Prashant Kumar Mishra