

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (P.I.L.) No. 18 OF 2014**

Vishwajeet Mitra S/o Late Shri R.N. Mitra, Aged About 50 Years R/o F -8, Pink City, New Gayatri Nagar Raipur P.S. Civil Lines, Tahsil & Distt. Raipur C.G.

---- **Petitioner**

Versus

1. State Of Chhattisgarh And Ors. S/o Through The Secretary Department Of Revenue & Rehabilitation, Mahanadi Bhawan, Capital Complex, New Mantralaya Raipur C.G.
2. The Commissioner, Raipur Division, Raipur P.S. Civil Lines, Tahsil & Distt. Raipur C.G.
3. The Collector Raipur Civil & Revenue Distt. Raipur C.G.
4. The Sub Divisional Officer Raipur, P.S. Goal Bazar, Tahsil & Distt. Raipur C.G.
5. The Tahsildar Raipur, P.S. Goal Bazar, Tahsil & Distt. Raipur C.G.
6. The Municipal Corporation Raipur Through The Commissioner Municipal Corporation Raipur, P.S. Goal Bazar, Tahsil & Distt. Raipur C.G.

---- **Respondents**

For Petitioner	:	Mr. Vikram Singh, Advocate
For Respondent/State	:	Mr. Y.S. Thakur, Additional Advocate General
For Respondents No.2 & 6	:	Mr. H.B. Agrawal, Sr. Advocate with Mr. Pankaj Agrawal, Advocate
For intervener	:	Mr. Kishore Bhaduri, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Sanjay Agrawal, J.

Order on Board

Per Deepak Gupta, Chief Justice

11/01/2017

1. The main relief claimed in the public interest litigation was that this Court may initiate a high level inquiry in the light of judgment rendered by the Supreme Court in the case of ***Jagpal Singh and others v. State of***

Punjab and others, AIR 2011 SC 1123. The other relief prayed was to take action against the persons who had encroached upon the lands.

2. At the time when the petition was filed the position of Telibandha tank was reflected by the photographs attached with the petition as Annexure P-4. This Court can take judicial note of the fact that in the intervening period of three years, a lot of changes have taken place. The entire Telibandha tank has been developed and beautified and there is a walk way being used by a large number of people.
3. We have repeatedly asked for the learned counsel for the petitioner to specifically identify those persons who had encroached upon the land other than saying that there are encroachers, not a single person has been named in the petition or in any application filed thereafter. We cannot hold a roving enquiry into this matter. The tank has been fully developed and beautified, and therefore, the first relief claimed in the petition is no longer in existence. As far as the second relief is concerned, we dispose of the matter with liberty reserved to the petitioner to file a fresh petition in case the petitioner can identify those persons who have encroached upon the land.
4. With the above observation, the petition stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE