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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1485 of 2016**

Jharan Singh Verma S/o Shri Bhaskar Singh Verma, Aged About 41  
Years R/o Village Pandarbhatta, Raipur District Raipur (Chhattisgarh)

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Collector, Raipur, District Raipur (Chhattisgarh)
3. Additional Tahsildar Dharsinwa Dharsinwa, District Raipur (Chhattisgarh)
4. Smt. Jass Rani Jani Sarpanch, Village Panchayat Pandarbhatta, Block Dharsinwa, District Raipur (Chhattisgarh)
5. Ms. Rita Shandilya Presently Posted As Collector Bemetara, Collector Bungalow District Bemetara (Chhattisgarh) **---- Respondents**

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| For Petitioner | : | Mr. Jitendra Pali, Advocate |
| For State      | : | Mr. D.R. Minj, Dy. G.A.     |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****26/04/2017**

1. Though, the petition is already admitted for hearing, taking into consideration that number of reports have been filed subsequently in the matter relating to dispute of factual nature requiring evidence with regard to the location of the construction of the building by the petitioner, I am inclined to finally dispose off this petition.
2. The petitioner has filed this petition aggrieved by a notice given by the Tahsildar alleging that the land comprised in Khasra No.124/55 is not a Government land but a private land yet, the Tahsildar has initiated proceeding describing the land as Government land. The petitioner has

sought to rely upon a report dated 21.04.2016 of the Revenue Inspector.

3. The respondents have filed a return in this case and have stated that later on, a fresh demarcation was carried out and it has been found that the petitioner has, in fact, encroached upon land comprised in khasra No.124/1-3 and that earlier incorrectly, land of khasra No.124/55 was treated as Government land. For this purpose, the State relies upon another panchnama report dated 02.06.2016.
4. Learned counsel for the petitioner has filed rejoinder and has further disputed the averment of facts and submits that he has not raised any construction on khasra No.124/1-3 and therefore, no action could be taken against him.
5. After hearing learned counsel for the parties, documents on record and various spot inspection reports, there is serious dispute whether the petitioner has raised construction on a land of khasra No.124/55 or land comprised in khasra No.124/1-3. The parties have come with competitive claim and there are more than spot inspection report. However, the State does not dispute that the land comprised in khasra No.124/55 is not a Government land and it is only a private land. Therefore, impugned notice cannot be made a basis to take action against the petitioner and the impugned notice is quashed, however, with liberty to the State authorities to proceed against the petitioner, if there is any allegation of petitioner having encroached upon Government land comprised in khasra No.124/1-3
6. It is made clear that the disputes are factual in nature and if the petitioner is aggrieved by any action of the respondents, the petitioner may take recourse to appropriate alternative remedy.
7. The petition is finally disposed off.

Sd/-

**(Manindra Mohan Shrivastava)**

**J U D G E**