

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 296 of 2017

- Lakhveer Singh S/o Buxis Singh, Aged About 65 Years R/o Panchdham Mandir, Near Mahaveer Apartment, Udaya Society, Tatibandh, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
2. Executive Engineer, Public Works Department, Vidhan Sabha Division, Raipur (Chhattisgarh)
3. Sub Divisional Officer, Public Works Department, Vidhan Sabha Sub-Division, Raipur (Chhattisgarh)
4. Collector, Raipur (Chhattisgarh)
5. Sub Divisional Officer (Revenue), Raipur (Chhattisgarh)
6. Tahsildar, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri B.D. Guru, Advocate
For Respondent/State	:	Shri B. Gopakumar, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/02/2017

1. Heard.
2. The petitioner's grievance as ventilated through this petition is that on the basis of demarcation, earlier held behind the back of the petitioner, it has been alleged that the petitioner has encroached upon a Government land whereas according to the petitioner, he has not encroached upon any Government land. It is further submitted that when the petitioner applied for demarcation before the Tahsildar, the Tahsildar vide his memo dated 02.07.2016 directed the revenue authority to carry out demarcation report but till date, no demarcation has been carried out and without that

demarcation, the respondent authorities are proceeding to demolish the boundary wall, which according to the petitioner has been constructed on his own land.

3. In view of the allegation that earlier demarcation was carried out behind the back of the petitioner and on petitioner's representation made, the Tahsildar vide his memo dated 02.07.2016 directed demarcation in accordance with the provision of Land Revenue Code, it would be just and fair in the interest of justice that no action should be taken against the petitioner unless there is a demarcation carried out as per the direction of the Tahsildar in accordance with the provision of Land Revenue Code. Under the notice to the petitioner, the Tahsildar, Raipur is directed to ensure that the demarcation is made within a period of 60 days from the date of submission of copy of this order. Further course of action may be taken depending upon the report of demarcation. In case, the petitioner is still aggrieved with the demarcation report, the remedy of the petitioner would be available under the Land Revenue Code or to take recourse to civil remedy under the law.
3. With the said direction, the petition is disposed off.
4. The petitioner shall submit a copy of this order before the Tahsildar within a period of 15 days from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)
Judge