

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 812 of 2017

Sanjay Kumar Agrawal S/o Shri Prabhuram Agrawal, Aged About 42 Years
Proprietor Of M/s Auto Centre, Korba R/o M/s Auto Center, Transport Nagar,
Korba, District Korba (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Water Resources
Naya Raipur, Raipur (Chhattisgarh)
2. Sub Divisional Officer, Hasdev Baraj Jal Prabhand, Sub Division, Darri/ Korba,
Distt. Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/04/2017

Heard.

1. The petitioner has challenged the legality and validity of the notice dated 22.3.2017 by submitting that allegation of encroachment is false. The petitioner had purchased land by registered sale deed dated 22nd November, 2011 (Annexure P-2) and, thereafter, obtained building permission and then raised constructions. It is submitted that the constructions raised by the petitioner is not illegal much less any encroachment.
2. The impugned notice refers to the land admeasuring 0.49 acres situated in Kh.No.681 whereas the petitioner's title is in respect of land situated in Kh. No.680/2. The sale deed (Ex.P.2) does not refer to Kh. No.681.
3. There is no averment in the petition that at the time of purchase, the number of land was 680 /2 and now it has been changed to 681. The petitioner does not say in the petition that he has not encroached upon Kh. No. 681. Therefore, the petitioner cannot claim to protect possession, if any, at Kh. No.681. If the petitioner has any dispute that he has not encroached upon any parcel of land in Kh. No.681, to that extent, the petitioner may make representation to the Sub

Divisional Officer. It is made clear that the petitioner is entitled to protect his possession only in respect of the land comprised in Kh. No.680/2 and not any other land.

4. The petitioner shall submit representation before the Sub Divisional Officer within a period of 15 days from the date of receipt of copy of this order. Within next 15 days, the Sub Divisional Officer shall verify the contents of the representation only to the extent whether the petitioner has raised construction over and above his possession in Kh. No.680/2. Once it is found that the petitioner has encroached upon any land in Kh. No.681, it would be open for the authority to take appropriate steps.
5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen