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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1490 of 2016**

1. Murli Manohar Dubey S/o Shri Shiv Balak Dubey, Aged About 38 Years R/o. Ward No. 2 Sanjay Nagar (Tahsil Bhatha) Katghora, Thana & Tahsil Katghora, Civil & Revenue Distt. Korba (Chhattisgarh)
2. Santosh Kumar Rajak S/o Late Shri Buddhadev Rajak, Aged About 45 Years R/o. Ward No. 2 Sanjay Nagar (Tahsil Bhatha) Katghora, Thana & Tahsil Katghora, Civil & Revenue District Korba (Chhattisgarh)
3. Dayaram Rajak S/o Shri Balram Rajak, Aged About 60 Years R/o Ward No. 2 Sanjay Nagar (Tahsil Bhatha) Katghora, Thana & Tahsil Katghora, Civil & Revenue Distt. Korba (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh Through Secretary, Revenue Department, Capital Complex, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Collector, Korba, Distt. Korba (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Katghora, Distt. Korba (Chhattisgarh)
4. Tahsildar, Katghora, Distt. Korba (Chhattisgarh)

---- Respondent

And**WPC No. 1511 Of 2016**

1. Roop Singh Kanwar S/o Shri Sumran Singh Kanwar, Aged About 30 Years R/o. Village Hunkara, Gram Panchayat Jenjara, Thana & Tahsil Katghora, Civil & Revenue Distt. Korba (Chhattisgarh)
2. Gaurishanker Dubey S/o Shri Shiv Balak Dubey, Aged About 47 Years R/o. Village Hunkara, Gram Panchayat Jenjara, Thana & Tahsil Katghora, Civil & Revenue Distt. Korba (Chhattisgarh)

---- Petitioners

Vs

1. State of Chhattisgarh Through Secretary, Revenue Department Capital Complex, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur (Chhattisgarh)

2. Collector, Korba, District Korba Chhattisgarh
3. Sub Divisional Officer, (Revenue), Katghora, District Korba Chhattisgarh
4. Tahsildar, Katghora, District Korba Chhattisgarh

---- Respondents

And

WPC No. 1513 Of 2016

- Maa Kosgai Sewa Sansthan Village Hunkara Through Its President Shanker Lal Rajak S/o Late Shri Buddhdeo Prasad Rajak Aged About 50 Years R/o Village Hunkara, Gram Panchayat Jenjara, Thana & Tahsil Kathgora, Civil & Revenue District Korba Chhattisgarh

---- Petitioner

Vs

1. State of Chhattisgarh Through Secretary, Revenue Department Capital Complex, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur Chhattisgarh
2. Collector, Korba, District Korba Chhattisgarh
3. Sub Divisional Officer, (Revenue), Katghora, District Korba Chhattisgarh
4. Tahsildar, Katghora, District Korba Chhattisgarh

---- Respondents

For Petitioners	:	Shri Sunil Sahu, Advocate
For Respondents-State	:	Shri DK Wankhede, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/03/2017

1. Petitioners would call in question the impugned action of the respondent revenue authorities who were likely to dispossess the petitioners and demolish the construction raised by them over the government grass land.
2. It is argued that the petitioners are in occupation since more than two decades, therefore, their dispossession would cause irreparable harm to

them.

3. Bare perusal of the Khasra papers Annexure P-1 would demonstrate that the land is recorded as the Government grass land, therefore, there is no dispute about the fact that the petitioners had encroached the government land. The petitioners also appear to have deposited the fine amount before the Tehsildar, Katghora vide Annexure P-2 pursuant to order of removal of possession under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959'). The respondents have also filed the order passed against each of the petitioner for removal of encroachment under Section 248 of the Code, 1959.
4. Surprisingly the petitioners have concealed the order passed against them by Tehsildar, Katghora under Section 248 of the Code, 1959, which is otherwise appealable before the superior revenue officers.
5. In view of the above, the petitioners may prefer appeal against the order passed against them under Section 248 of the Code, 1959.
6. Accordingly, all the writ petitions stand disposed of in the above stated terms.
7. Interim order passed earlier shall stand vacated.

Sd/-

Judge
Prashant Kumar Mishra

Ashu