

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2400 of 2018

- Shivnarayan Gupta S/o Late Bindeshwari Aged About 68 Years
R/o Ward No.5 Balrampur, P.S. and Tahsil - Balrampur District
Balrampur Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of
Revenue, Mahanadi Bhawan, New Raipur, District Raipur,
Chhattisgarh
2. The Collector, Balrampur, District Balrampur-Ramanujganj,
Chhattisgarh
3. The Tahsildar Balrampur, District Balrampur Ramanujganj,
Chhattisgarh
4. The Chief Municipal Officer Balrampur District Balrampur
Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	Shri A. N. Pandey, Advocate
For Respondent-State	Shri Shashank Thakur, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

28/08/2018

1. Petitioner is aggrieved by demolition of the super structure
constructed by him over the land in his possession for last 40
years. He claims title to the land on the basis of grant of bhoomi
swami rights by the Tehsildar, Pal in the year 1975-76. According
to the petitioner, his name was mutated in the revenue record in
the year 1984-85, but somehow the entry was deleted, which

compelled him to move another application for mutation on 28.11.2016, which is still pending.

2. In the above factual background, the petitioner has prayed for payment of compensation if his land is acquired for any public purpose and further to direct the respondents to construct the house, which was illegally demolished.
3. The issue brought before this Court is a pure revenue dispute, which can only be decided by the appropriate Revenue Authority under Section 57 of the Chhattisgarh Land Revenue Code, 1959, because the present status of the revenue record would indicate that the same is entered as '*Chhote Jhad Ka Jungle*' and is earmarked for construction of bus stand. If the petitioner claims bhoomi swami right over the subject land, he should approach the jurisdictional SDO (Revenue) under Section 57, wherein his prima facie title shall be considered. Let the petitioner move such application within 1 month from today and thereafter the SDO (Revenue) shall decide the matter within next 6 months.
4. The writ petition is dismissed, subject to the above observation.

Sd/-

Prashant Kumar Mishra
Judge