

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2385 of 2018

- Gajendra Singh Rathaur, S/o Late Shri Mohan Lal Singh Rathaur, Aged About 81 Years, R/o House No.27/B, Bajar Para Ward, Kondagaon, Tahsil and District Kondagaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Ministry, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh. Pin 492001
2. The Collector, District Kondagaon, Kondagaon, Chhattisgarh. Pin 494226
3. Tahsildar, Tahsil and District Kondagaon, Chhattisgarh. Pin 494226
4. Smt. Kiran Chakravorty, W/o Late Bablu Chakravorty, R/o Bazarpara, Kondagaon, Tahsil and District Kondagaon, Chhattisgarh. Pin 494226
5. Shri Balram Yadav S/o Shri Mahettar Yadav, R/o Bazarpara, Kondagaon, Tahsil and District Kondagaon, Chhattisgarh. Pin 494226

---- Respondents

For Petitioner	Shri A. K. Dewangan, Advocate
For Respondent-State	Shri P. K. Bhaduri, GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

27/08/2018

1. This writ petition has been preferred, in essence, for execution of the order passed by the Tehsildar (Nazul), Kondagaon on 16.07.2015 against one Smt. Bharti, widow of Late Babulal Mehta and on 20.12.2017 against Balram Yadav. Both the orders have

been passed by the Tehsildar in exercise of powers under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959'). The writ jurisdiction cannot be invoked for execution of an order passed by the jurisdictional Revenue Officer.

2. Section 248 of the Code, 1959 provides for execution of the order, if the person remains in unauthorized occupation after the date of order of ejectment. Sub-section (2-A) of Section 248 provides that if any person continues in unauthorized occupation or possession of land for more than 7 days after the date of order of ejectment under sub-section (1), then without prejudice to the fine that may be imposed thereunder, the Sub Divisional Officer shall cause him to be apprehended and shall send him with a warrant to be confined in a civil prison for a period of 15 days in case of first ejectment and 3 months in case of second or subsequent ejectment.
3. Let the petitioner move appropriate application under Section 248 (2-A) of the Code, 1959, as mentioned above, which shall be disposed of by the concerned Revenue Authority in accordance with law.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge