

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2546 of 2018**

1. Umend Bai W/o Shri Kunjram Aged About 73 Years R/o- Village Kolha Deori, Panchayat- Bokrel Block Balauda, District-Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of Panchayat, New Mantralaya, New Raipur, Chhattisgarh.
2. Collector District- Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer Sub Division Balauda, District-Janjgir-Champa, Chhattisgarh.
4. The Chief Executive Officer Zila Panchayat- Janjgir-Champa, Chhattisgarh.
5. The Tahsildar Tahsil- Balauda, District- Janjgir-Champa, Chhattisgarh.
6. The Gram Panchayat Bokrel, Janpad Panchayat Balauda, District- Janjgir-Champa, Chhattisgarh Through Its Sarpanch.

---- Respondent

For Petitioner
For Respondent/State

Shri S. Dewangan, Advocate
Shri Shashank Thakur, Govt. Advocate

Order On Board**By****Prashant Kumar Mishra, J.****17/09/2018**

1. Learned counsel for the petitioner would submit that the petitioner's house under the 'Pradhan Mantri Awas Yojana' has been demolished by the Thasildar, which is illegal and arbitrary.

2. From the documents filed with the writ petition particularly the panchnama at page 34 would indicate that the petitioner and her son raising construction over the Government forest land entered as *Bade Jhad Ka Jungal* in the revenue record for which the proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the CGLRC') has been initiated and final order has been passed directing the petitioner to remove encroachment.
3. It appears the house was constructed by the petitioner's son namely; Ashok Kumar Kurre against whom orders under Section 248 of the CGLRC has already been passed by the Tahsildar, therefore, is so advised, petitioner or for that matter her son may prefer an appeal before the competent Revenue Appellate Court against the order passed by the Tahsildar. If the petitioner complains that her house has been demolished, the document referred above would clearly indicate that the construction was raised unauthorisedly on the Government forest land, therefore, as far as the petitioner is concerned, there is no substance in the writ petition complaining that her house constructed under the 'Pradhan Mantri Awas Yojana' has been demolished.
4. In the result, the writ petition, *sans* merit is liable to be and is hereby dismissed at the admission stage itself.

Sd/-

Gowri

Judge
Prashant Kumar Mishra