

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2633 of 2018**

- Ramapati Pathak S/o Late Shri Durga Pathak, Aged About 45 Years R/o House No. 152, Vikas Nagar, Kondagaon, District Kondagaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Mantralaya, Atal Nagar, New Raipur Chhattisgarh.
2. Tahsildar, Kondagaon, District Kondagaon Chhattisgarh
3. The Sub Divisional Officer (Revenue), Kondagaon, District Kondagaon Chhattisgarh.
4. The Collector, Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Petitioner : Ms. Madhunisha Singh, Advocate.
For Respondents : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****19/09/2018 :**

1. The petitioner would challenge the order passed by the Tehsildar (Nazul), Kondagaon, District Bastar on 9.7.2014 and the order dated 19.12.2016 passed by the Tehsildar, Kondagaon as also the order dated 7.2.2017 passed by the said authority directing the petitioner to remove encroachment and hand over vacant possession of the encroached Government land situated at Tehsilpara, Kondagaon.
2. It appears, the orders have been passed by the Tehsildar under Section

248 of the CG Land Revenue Code, 1959 against which the petitioner should have preferred an appeal under Section 44 of the Land Revenue Code, which the petitioner appears to have not availed.

3. Therefore, the Writ Petition is disposed of with a direction that in the event the petitioner prefers an appeal within one month from today, the same shall be disposed of in accordance with law. For a period of 6 weeks from today, the petitioner shall not be dispossessed from the land in question. It is made clear, this Court has not expressed any opinion on the merits of the case. If the petitioner has any right of settlement under any other provision of law, as stated in para-10.2 of the relief clause, he may work out the remedy in accordance with law.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve