

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2654 of 2018

- Gurusharan Gupta, S/o Jagannath Gupta, Aged About 48 Years, R/o Gurudev Anaj Bhandar, Khasra No.76, Sheet No.16-B, Kawardha District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. Superintendent of Police, Kawardha, District Kabirdham, Chhattisgarh
2. State Of Chhattisgarh Through Department of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
3. District Collector, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner

Shri Priyank Rathi, Advocate

For Respondent-State

Shri A. S. Kachhawaha, Addl. AG

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/09/2018

1. Petitioner would assail the order passed by the Superintendent of Police, Kabirdham directing him to vacate the encroachment from the land belonging to the Police/Home Department.
2. It appears, the order has not been passed in the capacity of Superintendent of Police to maintain law and order, but the same has been passed by an Officer of the Police/Home Department under whose control the land has been settled by the Revenue Department.

3. Petitioner's counsel would submit that even if the petitioner is an encroacher, which fact is not admitted by the petitioner, he cannot be removed from possession without taking recourse to law.
4. Let the Tehsildar, Kabirdham draw proceedings against the petitioner under Section 248 of the Chhattisgarh Land Revenue Code, 1959 and pass necessary order after providing opportunity of hearing to the petitioner. The petitioner as well as learned State counsel shall submit certified copy of this order before the concerned Tehsildar within a period of 15 days from today and thereafter the Tehsildar shall complete the proceedings within next 10 weeks.
5. Till the order is passed by the Tehsildar, status-quo in respect of possession shall be maintained by the parties.
6. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Nirala