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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 64 of 2017**

Samasth Ward Wasi of Ward No. 10 Nawagaon District Mahasamund Chhattisgarh Represented By Deepak Yadav, S/o Late Rajaram Yadav, Aged About 31 Years, Elected Councilor of Ward No. 8, Municipal Council Bagbahara, R/o. 197, Nawagaon, Ward No. 10, Post And Tehsil Bagbahara, P. S. Bagbahara, Revenue And Civil District Mahasamund Chhattisgarh

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Department of Revenue and Disaster Management, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Revenue And Civil District Raipur Chhattisgarh
2. Commissioner, Raipur Division, Revenue and Civil District Raipur Chhattisgarh
3. The District Collector Mahasamund, Revenue and Civil District Mahasamund Chhattisgarh
4. Sub Divisional Officer (Revenue), Tehsil Bagbahara, Revenue and Civil District Mahasamund Chhattisgarh
5. The Tahsildar, Tehsil Bagbahara, Revenue and Civil District Mahasamund Chhattisgarh
6. Shiv Kumar Chandrakar, S/o. Late Shri Bhukhan Lal Chandrakar, R/o. Nawagaon, Ward No. 10, PS and Tehsil Bagbahara, District Mahasamund Chhattisgarh
7. Municipal Council Bagbahara Through Chief Municipal Officer, District Mahasamund Chhattisgarh

---- **Respondents**

For Appellant : Shri Surfaraj Khan, Advocate.
 For Respondent/State : Shri Y.S.Thakur, Additional Advocate General.
 For Respondent No. 6 : Shri R.S.Patel, Advocate.
 For Respondent No. 7 : Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Prashant Kumar Mishra, Judge

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****13/08/2018**

1. Heard counsel for the parties.
2. The issue related to the encroachment which was said to be made on the village pond of Ward No. 10, Nawagaon, Tahsil Bagbahara, District Mahasamund.

3. The seriousness of the issue has been taken cognizance of by the Respondent No. 7-Nagar Palika of Bagbahara and even a resolution passed by the Council for restoration and ensuring revitalization of the pond including removal of encroachment has been talked about in resolution No. 23, which has been brought on record in their return.
4. The private respondent i.e. Respondent No. 6, in his response has now turned around and raised allegations against the Petitioner and he alleges that the bonafide is missing. In fact, to cover up their serious omission and their own encroachment, that the public interest litigation petition has been filed in a motivated manner.
5. Since the authorities have decided to protect the pond, it goes without saying that all persons, be it the private respondent or the petitioner, be directed to remove the encroachment unless there is an appropriate declaration with regard to the title, if they have any on the area under encroachment or pond for which attention of this Court has been drawn to Revenue Appeal No. 60-A/71 for the year 1970-71 passed by the Court of Arun Khetrapal, Additional Collector, Raipur vide his order dated 17.08.1972 or such other orders passed over and above the said order.
6. If the Respondent No. 7-Nagar Palika, Bagbahara initiates an action, the affected persons will be given an opportunity, if anybody claims title in this regard.
7. The writ petition stands disposed off.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
JUDGE