

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 544 of 2011**

- Ramjanam S/o Late Sukhan Ram, Aged about 38 years, R/o Sendur Road, Balrampur, Tahsil Balrampur, Distt. Surguja (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through – The Secretary, Department of Revenue, D.K.S. Bhawan, Raipur, Distt. Raipur – (C.G.)
2. Tahsildar Balrampur, Tahsil Office Balrampur, Distt. Surguja – (C.G.)

---- Respondents

For Petitioner : Shri A.N. Pandey, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****23/09/2019**

1. Heard.

2. The present petition has been filed by Ramjanam for the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ of certiorari for quashing the order/information dated 18.01.2011 issued by the respondent No.2.

10.2 Any other relief or reliefs may also be granted to the petitioner which this Hon'ble court deems fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner would submit that the petitioner was granted a land bearing Khasra No.8/6 admeasuring 0.101 hectares at village Balrampur. He would further submit that the petitioner was served with a notice wherein it

was stated that the petitioner has encroached upon the land bearing Khasra No.311 admeasuring 0.46 hectares. It is contended that the petitioner is in possession of the said land for the last 45 years and he has not encroached upon the same, therefore, he may not be evicted.

4. According to the reply of the State, the petitioner is in possession of the land bearing Khasra No.311 and not in the Khasra No.8/6 and the State contends that the petitioner has encroached upon the land bearing Khasra No.311, which is meant for Gauthan. It is further contended on behalf of the State that the petitioner has preferred an appeal before the SDO, wherein the stay order has been passed by the SDO on 21.01.2011 as per Annexure R-1. Considering the fact that if the appeal has already been preferred by the petitioner and if the same has not been decided, the same shall be decided by the SDO in accordance with law. Further considering the pleading in this case, the petitioner has contended that he has constructed the house over Khasra No.311, admeasuring 0.46 hectares and is in possession of land for many years, whereas the documents shows that the grant was made in favour of father of the petitioner namely Sukhan Ram in respect of Khasra No.8/6 and they are in possession, then option for exchange may also be considered as grant of land to the petitioner was made long back. Till such exercise is carried out, the petitioner may not be forcefully evicted from the possession.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge