

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 182 of 2019**

1. Tarun Nayak, S/o. Shri Surajram Nayak, Aged About 24 Years.
  2. Babulal Nayak, S/o. Murlidhar Nayak, Aged About 63 Years.
  3. Chintaram Nayak, S/o. Chakradhar Nayak, Aged About 76 Years.
  4. Hemlal Nayak, S/o. Tilakram Nayak, Aged About 55 Years.
  5. Sonsai Sao, S/o. Late Churamani Sao, Aged About 57 Years.
- All are R/o. Village Naurangpur, Tahsil & District Raigarh, Chhattisgarh.

**---- Petitioners**

**Versus**

1. Smt. Chamali Nayak (Sarpanch) Village Naurangpur, Tahsil & District Raigarh, Chhattisgarh.
2. Village Panchayat Secretary, Gram Panchayat Naurangpur, Tahsil & District Raigarh, Chhattisgarh.
3. Executive Engineer, Rural Engineer Services, Office At Near Panchayat Building, Raigarh, Chhattisgarh.

**---- Respondents**

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|-----------------|---|---------------------------------|
| For Petitioners | : | Mr. Rakesh Dubey, Advocate      |
| For State       | : | Mr. Aditya Sharma, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**18.01.2019**

Heard

1. The present petition is against the order dated 15.02.2017 passed by the First Additional Sessions Judge, Raigarh, in Criminal Revision No.178 of 2016 whereby the revision against the order of the SDM Raigarh dated 16.12.2016 was dismissed.
2. Learned counsel for the petitioners submits that respondents No.1 & 2 are constructing a Panchayat Building over the road for which the complaint was made by the petitioner and villagers, however, the same was not stopped and illegal encroachment is being made. The same when was subject of challenge before the SDM, the SDM has dismissed the application under Section 133 of

Cr.P.C. and the same when was taken up in revision, the revisional Court has refused to entertain the petition.

3. Perusal of the order would show that the complaint was made that over a Khasra No.517/1 which is a government road, construction of Panchayat Bhawan was being carried out, therefore, the width of the road would be shortened. In the order of SDM, the finding is that after resolution by the Panchayat leaving 35 to 40 feet from the road, the construction was carried out. The finding is further that after the statement of the villagers, it revealed that if the Panchayat Bhawan is constructed there would be no obstruction to the public at large on road. The order of the SDM is dated 16.12.2016 and thereafter the revisional Court by order dated 15.02.2017 dismissed the revision.
4. The instant petition has been filed on 16.01.2019, therefore, apparently it reflects that the petitioners were not vigil of their right and were sitting on the fence. It can be presumed that by efflux of time construction might have already been carried out. Under the circumstances, I do not find any ground to interfere with the order passed by the Court below in exercise of power under Section 482 of Cr.P.C.
5. In view of the above, the petition *sans merit* and is accordingly dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge