

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(CR) No. 20 of 2019

1. Prakash Debnath, S/o. Shri Akhil Chandra Debnath, Aged About 40 Years, R/o. Village East Boregaon, Tahsil Farasgaon, District Kondagaon, Chhattisgarh.
2. Akhil Chandra Debnath, S/o. Late Akshay Debnath, Aged About 76 Years, R/o. Village East Boregaon, Tahsil Farasgaon, District Kondagaon, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through the Secretary, Department Of Revenue, Ministry, Mahanadi Bhavan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. The Collector, Kondagaon, District Kondagaon, Chhattisgarh.
3. Tahsildar, Tahsil Farasgaon, District Kondagaon, Chhattisgarh.
4. Kalipad Das, S/o. Shri Rasraj Das, Caste - Kayastha, R/o. Village East Boregaon, Tahsil Kondagaon, District Kondagaon, Chhattisgarh.
5. Nantudas, S/o. Shri Rasraj Das, Caste - Kayastha, R/o. Village East Boregaon, Tahsil Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Alok Kumar Dewangan, Advocate
For State/Respondents	:	Mr. Chandresh Shrivastava, Dy. A.G.
No.1 to 3.		

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.01.2019

Heard

1. The present petition is filed seeking direction to the State authorities as they are not taking action against the respondent No.4 & 5.
2. It is contended that the respondent No.4 & 5 have encroached upon the government land bearing Khasra No.421/1 admeasuring 0.10 acre situated at village Boregaon, Tahsil Kondagaon, National Highway No.43 Raipur- Jagdalpur Road. It is further contended that the Patta of the said land is obtained by fraud.

3. Perusal of the earlier order passed by the coordinate Bench of this Court on 23.03.2017 in WPC No.2297 of 2016 would reveal that the Court has directed the Collector, Kondagaon to examine the matter and obtain a fact-finding report from the Tahsildar whether the encroachments which were directed to be removed have been removed or not. Under the circumstances, I am unable to understand what criminality has been made and what action is called for. It appears that the complaint is of civil nature, therefore, prima facie, I am not inclined to admit this petition. The petition is devoid of merit and accordingly is dismissed at the admission stage itself.

Sd/-
(Goutam Bhaduri)
Judge