

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1622 of 2016**

Tula Ram S/o Late Adhiraj, Aged About 70 Years R/o Village Banor Village
Panchayat Chitvishrampur, P S And Tah Balrampur, Distt. Balrampur
Ramanujganj, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue,
Mahanadi Bhawan, New Raipur, Distt. Raipur, Chhattisgarh
2. The Collector, Balrampur, Distt. Balrampur Ramanujganj, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Balrampur, Distt. Balrampur
Ramanujganj, Chhattisgarh
4. The Gram Panchayat Chitvishrampur, Through The Secretary, Gram
Panchayat Chitvishrampur, P.S. And Tahsil Balrampur, Distt. Balrampur-
Ramanujganj, Chhattisgarh
5. Keshwar Lakra, S/o Ramdev, aged about 50 years Sarpanch Of Village
Panchayat Chitvishrampur, P S And Tahsil Balrampur Ramanujganj,
Chhattisgarh

--**Respondents**

For Petitioner	:	Shri A.N. Pandey, Advocate.
For State	:	Smt. Richa Shukla, Dy.G.A.
For respondent No.5	:	Shri Kishore Narayan, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2019

Heard.

1. Instant petition is filed for the following reliefs:-

“(i) That this Honble court may kindly be pleased to quash the entire
process of acquisition of land in respect of the petitioner.

(ii) That this Honble court may kindly be pleased to direct the
respondent authorities to follow the due procedure of law before the
acquisition of lands of the petitioners.

(iii) That this Honble court may kindly be pleased to direct the

respondent No.3 Tahsildar Balrampur to decide the pending case of the petitioner within stipulated period.

(iv) Any other relief or reliefs may also be granted to the petitioner which this Honble Court deems fit and proper in the facts and circumstances of the case.

(v) Cost of the petition may kindly be awarded to the petitioners.”

2. The grievance of the petitioner is that he through his predecessor in title holds a land bearing khasra No.296 admeasuring 1.63 hectare at village Banor. It is contended that the respondents No.4 & 5 the Gram Panchayat, Chitvishrampur was constructing a gram panchayat bhavan on the said land of the petitioner without any acquisition of land. Consequently, which led to filing of this writ petition. During pendency of the petition it is stated that the State Government has already by an order dated 22/10/2016 has cancelled the order of construction which is filed as Annexure R/3, therefore at present construction is not being carried out. It is further contended that though demarcation of the adjacent land bearing khasra No.295 was carried out, however the petitioner was not heard during such demarcation.
3. Learned counsel for the respondent No. 5 would submit that demarcation of land bearing khasra No.295 was carried out. It is stated that it was found to be the government land on which the construction of gram panchayat building was carried out. It is submitted the land which the petitioner is claiming is different. He referred to the demarcation report.
4. Be that as it may, at present it appears that the construction of the gram panchayat building has already been cancelled by order of the State Government dated 22/10/2016. The only grievance of the petitioner that the land bearing khasra No.296 which belong to him which is of area 1.63 hectares may not be encroached upon. At present since no construction is being carried out, all the grievance and the issue raised can be redressed if

the demarcation of land bearing khasra No.296 is also carried out so that area of 1.63 hectare is carved out for such khasra.

5. Accordingly, the petition is disposed of with a direction that the State authority shall also carry out the demarcation of land bearing khasra No.296 at village Banor so as to carve out the area of 1.63 hectares.

Sd/-

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Goutam Bhaduri
Judge