

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 22 of 2019

Rajkumar Jaiswal S/o Late Heeralal Jaiswal Aged About 54 Years R/o Beltara, Police Station Ratanpur, Tahsil Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanandi Bhawan, New Mantralaya, Raipur Kewli, Civil And Revenue District Raipur Chhattisgarh
2. Collector Bilaspur District Bilaspur Chhattisgarh
3. Sub Divisional Officer (Revenue) Bilaspur District Bilaspur Chhattisgarh,
4. Tahsildar Bilaspur District Bilaspur Chhattisgarh
5. Sushil Kumar Sharma S/o Ramkishore Sharma, Aged About 60 Years R/o Village Beltara, Tahsil And District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ratnesh Kumar Agrawal, Advocate
For State/Respondents No.1 to 4	:	Mrs. Fouzia Mirza, Addl. Advocate General
For Respondent No.5	:	Mr. Dilip Kumar Swain, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, Judge

Order on Board

P.R. Ramchandra Menon, C.J.

26.06.2019

Heard

1. The petitioner has moved this petition styled as a Public Interest

Litigation with the following prayers:

“(a). That, this Hon'ble Court may kindly be pleased to call for entire records concerning the present construction.

(b). That, this Hon'ble Court may kindly be pleased to direct to the respondent authority to consider the representation made by petitioner and further be please to direct to remove the encroachment from the government gross

land bearing Khasra Nos. 1025/16, 1374/1, 1376 situated at Village Beltara, Tahsil & District Bilaspur (C.G.) is in the interest of justice.

(c). That, any other relief/ order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Heard Mr. Ratnesh Kumar Agrawal for the petitioner, Mr. Dilip Kumar Swain, learned counsel for Respondent No. 5 & Mrs. Fouzia Mirza, learned Addl. Advocate General for Respondents Nos. 1 to 4. Pursuant to the order of this Court allowing the application for impleadment of respondent No.5, respondent No.5 has effected appearance and filed his version.
3. We have heard the learned counsel for the petitioner, learned counsel for Respondent No. 5 and learned Addl. Advocate General for Respondents No. 1 to 4. Grievance made by the petitioner is that the Respondent No. 5 has encroached upon the property which belongs to the Government and is proceeding with some construction. Despite filing a proper representation before the Revenue Authorities and in particular before the Collector by way of Annexure P-7, the same is simply kept in cold storage and hence the writ petition.
4. The learned counsel for Respondent No. 5 submits that the allegation is not correct and that the Respondent No. 5 has not encroached into any property of the Government.
5. The learned Addl. A.G. submits that the matter has been looked into by the Competent Authority and by virtue of Annexure R-5, the Respondent No. 5 has been enjoined from proceeding with the

construction in the disputed property. She also submits that Annexure P-7 representation filed before the District Collector will definitely be looked into and finalized without any delay.

6. In view of the fact that the grievance has already been taken up before the District Collector, who is the Competent Authority, we find it appropriate to have the same cause to be considered and finalized within reasonable time. Accordingly, the Respondent No. 2 is directed to consider Annexure P-7 representation preferred by the petitioner in accordance with law, of course providing opportunity of hearing to the petitioner, Respondent No. 5 and the others concerned. The said exercise shall be completed as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment.
7. The Interim order issued by the authorities concerned by way of Annexure P-5 will continue, till the matter is finalized. The construction, if any, or improvement in any manner in the property shall be effected or continued only subject to the final order to be passed by the District Collector as above. 'Status quo' shall be maintained regarding possession, as on date and it shall also be subject to the final orders to be passed by the District Collector.
8. With the aforesaid observations and directions, the writ petition stands finally disposed off.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge