

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1356 of 2019

1. Gram Panchayat Darmohli Tahsil Marwahi, District Bilaspur Chhattisgarh. Through The Sarpanch Smt. Devki Masro, W/o Shri Amar Singh Masro, Aged About 42 Years, R/o Village Darmohli, Tahsil Marwahi, District Bilaspur Chhattisgarh
2. Moolvijay Singh S/o Late Pratap Singh Aged About 33 Years Secretary, Gram Panchayat Darmohli, R/o Silpahri, Police Station Pendra, Tahsil Marwahi, District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Deptt. Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. The Collector District Bilaspur Chhattisgarh
3. The Sub Divisional Officer (Revenue) Pendraroad, District Bilaspur Chhattisgarh
4. The Tahsildar Marwahi District Bilaspur Chhattisgarh
5. The Station House Officer Police Station Pendraroad, District Bilaspur Chhattisgarh
6. Futtulal S/o Pachaiya Aged About 55 Years Caste - Kumhar, Occupation Business R/o Village Darmohli, Tahsil Marwahi, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Shri Ashok Kumar Shukla, Advocate

For Respondents/State : Shri Sanjay Agrawal, G A

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/04/2019

1. Heard.
2. The present petition is with a complaint for the removal of encroachment from a water body at village Darmohli which is alleged to have been encroached by the respondent No.6 Futtulal. It is contended that despite the orders have been passed by the Tehsildar to remove the encroachment from water body, the same is not carried out as per Annexure P-9 and despite repeated efforts the

said respondent is carrying out his construction. It is submitted that as per Annexure P-1 the Khasra No.492 in the village is the water body, which could not have been damaged at the instance of a private person, therefore, the State be directed to carryout its own direction as per Annexure P-9.

3. Learned State counsel would submit that the Tehsildar has already written to the SHO to provide police help so that the encroachers can be removed.
4. Perused the Annexure P-9, which is a letter written by the Tehsildar, Marwahi to the SHO, Pendraroad. In such letter the Tehsildar has requested for providing police help for removal of encroachment made by one Futtulal over the land bearing Khasra No.492, which is said to be a pond, wherein on part a house has been constructed. The letter further purports that the Gram Panchayat has resolved to remove the encroachment and notices were issued to the encroacher but he has not removed the encroachment. In view of the letter of the Tehsildar dated 18.02.2019, the purpose of notice has to be actually carried out in actual in its true spirit which requires the support of the police too, it is directed that the concerned Tehsildar along with the other revenue officers shall execute and remove the encroachment and in such case, the SHO, Pendraroad is directed to provide all necessary police support so that the order of the Tehsildar is carried out. After removal of the encroachment the respondent Collector, SDO and Tehsildar shall also ensure that the water body is restored. The aforesaid action shall be carried out within a period of 45 days from the date of presentation of this order.
5. With such observation, the writ petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge