

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1322 of 2019**

1. Anil Kumar Rathore, S/o. Narayan Prasad Rathore, Aged About 56 Years.
2. Smt. Pushpa Rathore, W/o. Anil Kumar Rathore, Aged About 53 Years.

Both are R/o. House No. 35 Shreejee Kalpataroo, Amalidih Raipur, District Raipur Chhattisgarh.

Both are through Power Of Attorney Holder - Tribhuvan Prasad Rathore, Aged About 60 Years, S/o. Late Nathuram Rathore, Caste Rathore, Qtr. No. S.E.-221, CSEB Colony (East) Korba, Tehsil & District Korba Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Urban Administration & Development Department, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. Collector, Korba, District Korba, Chhattisgarh.
3. Tehsildar, Korba, District Korba, Chhattisgarh.
4. Balco Nagar Islamic Cultural Society, Through Its President Shri Haji Sahadat Khan, S/o. F.M. Khan, Aged About 60 Years, R/o. Balco Nagar, Korba, District Korba, Chhattisgarh.
5. Station House Officer, Police Station Balco Nagar, Tehsil & District Korba, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Suresh Verma, Advocate
For Respondents/State	:	Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.04.2019

Heard.

1. The present petition is being preferred for the reason that the respondent No.4, Balco Nagar Islamic Cultural Society, through their Member & President has encroached upon the land belonging to the petitioner, which was subject of complaint before the Tahsildar and proceeding was drawn under Section 250 of the C.G. Land Revenue Code. On 01.02.2019 the Tahsildar has ordered for removal of the encroachment made by the respondent No.4 and directed the Revenue Inspector & Patwari to comply the order.

2. It is contended on behalf of the petitioner that despite the order passed by the Tahsildar and direction issued by the Tahsildar on 12.02.2019, the Revenue Inspector and Halka Patwari of the concerned area, as per Annexure P-3, has not appeared thereby the order of the Tahsildar has not been complied with. Therefore, prayer is made that the Patwari & Revenue Inspector be directed to carry out the direction of the Tahsildar forthwith.
3. Perused the order of the Tahsildar dated 01.12.2019 as also the memo/letter issued by the Tahsildar on 12.02.2019. Perusal of the order and the direction would show that the Tahsildar after passing the order to remove the encroachment of the land has directed the Revenue Inspector & Patwari to carry out the order and remove the encroachment. Apparently, it appears that despite certain order passed by the authority under the statute, the same is not carried out. In view of this, without any observation on merit and subject to just exception, it is ordered that the Tahsildar alongwith Revenue Inspector & Patwari shall carry out its order dated 01.02.2019 within a further period of 60 days from the presentation of this order and if necessary police shall also be provided to the Tahsildar & Revenue Inspector to carry out its own order.
4. With such observation, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge