

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1520 of 2019

Jagdish Bansal S/o Ramphal Bansal Aged About 65 Years R/o Bansal Apartment
Sakti, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh.,

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Janjgir, District Janjgir Champa Chhattisgarh
2. Sub Divisional Officer (R) Sakti, District Janjgir Champa Chhattisgarh
3. Tahsildar Sakti, District Janjgir Champa Chhattisgarh.
4. Manoj Agrawal S/o Radheshyam Agrawal Aged About 42 Years R/o Ward No. 6, Sakti, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner : Mr. Ishwar Jaiswal, Advocate
For State : Mr. Sumit Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.04.2019

Heard

1. The grievance of the petitioner is that the Respondent No. 4 Manoj Agrawal has constructed shops over the Government land by encroachment and despite the complaint was made to the Tehsildar in the year 2015, the Tehsildar stated that the case subsequently was missing in the office and no proceedings are being continued as such.
2. Learned counsel for the petitioner submits that in this case, the Tehsildar may be directed to search out the original case and decide the same within a specified period of time.

3. Perusal of the document would show that certain application was filed by Jagdish Bansal, the petitioner herein, on 16.11.2015 claiming that the respondent No. 4 has constructed shops over the Government land by encroachment. On such application, a revenue case bearing No. 2-A/68/2015-2016 was registered before the Tahsildar, Sakti. The subsequent document also shows that the original revenue case was lost and not traceable. A certified copy of the document, therefore, though were applied, were not given to the petitioner as the original file itself was missing.
4. The proceedings of Revenue case once commenced cannot be concluded in like manner that original case file is lost. Under these circumstances, it is directed that the Tehsildar initially shall make an endeavour to search out the original revenue case and shall proceed with it to decide the same within a further period of three months, if found. If the case is not traced within a further period of 15 days, the petitioner shall be at liberty to file a fresh application in which the fresh revenue case shall be opened and thereafter the Collector shall proceed to decide the same within a further period of 90 days from the receipt of copy of this order.
5. With such observations, the petition stands disposed of.

Sd/-
(**Goutam Bhaduri**)
Judge