

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPIL No. 52 of 2019

Ashish Awasthi S/o Shri Durgasday Awasthi Aged About 23 Years R/o Ward No.6, Kumharpara, Masturi, Post & Tahsil Masturi, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Revenue & Disaster Management, Department Mahanadi Bhawan Mantralaya Atal Nagar, New Raipur Chhattisgarh.
2. The Collector Bilaspur, District Bilaspur Chhattisgarh.
3. Sub Divisional Magistrate Masturi, District Bilaspur Chhattisgarh.
4. The Tahsildar Masturi, Tahsil Masturi, District Bilaspur Chhattisgarh.
5. Raghvendra Yadav @ Guddu Yadav S/o Shri Sarju Yadav Aged About 35 Years R/o Latiyapara, Masturi, Post & Tahsil- Masturi, District Bilaspur Chhattisgarh.
6. Surendra Tripathi S/o Shri Radheshyam Tripathi Aged About 45 Years R/o Ward No.12 Purani Basti, Masturi, Post & Tahsil- Masturi, District Bilaspur Chhattisgarh.
7. Rajesh Shrivastava S/o Late Shri Lakhan Shrivastava Aged About 48 Years R/o Ward No.6, Panbhariyapara, Masturi, Post & Tah- Masturi, District Bilaspur Chhattisgarh.
8. Pramod Tiwari S/o Shri Janak Tiwari Aged About 42 Years R/o Ward No.17 Behind Police Station, Masturi, Post & Tah- Masturi, District Bilaspur Chhattisgarh.
9. Budhram Nirnejak S/o Late Shri Gariba Nirnejak Aged About 50 Years R/o Latiyapara, Masturi, Masturi, Post & Tah- Masturi, District Bilaspur Chhattisgarh.

-----Respondents

For Appellant	:	Mr. Mayank Chandrakar, Advocate.
For Respondents No.1 to 4	:	Mr. Sudeep Agrawal, Dy. Advocate General.
For Respondents No.5 to 9	:	Ms. Gunjan Tiwari, Advocate & Mr. N.P. Dubey, Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ

25.09.2019

1. The prayers are in the following terms :-

“10.1. That this Hon'ble may kindly be pleased to direct the respondent State Authorities to act in accordance with the directions issued by the Hon'ble

Supreme Court in the matter of "Jagpal Singh" (supra) and in compliance thereof take immediate action for eviction of the private respondents from the government land and restore the possession of land in favour of government.

10.2 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. We have heard the learned counsel for the petitioner, the learned Deputy Advocate General representing the State and the learned counsel appearing for respondents nos.5 to 9.
3. The grievance is mainly with regard to the encroachment made to the government property by the private respondents herein.
4. The learned counsel for the petitioner submits that, despite filing Annexure P/1 representation before the Tahsildar and Annexure P/2 representation before the District Collector, no positive steps are being taken and the same are kept in cold storage, which made the petitioner to move this Court by filing the present writ petition.
5. The learned Deputy Advocate General submits that the matter will be looked into and finalized, if pending, in accordance with law, as expeditiously as possible; after affording an opportunity of hearing to all concerned.
6. In the above circumstance, we find it not necessary to go into the merits of the case. The second respondent is directed to consider the merit of Annexure P/2 representation with regard to the grievance projected therein and pass final order in accordance with law, after affording an

opportunity of hearing to the petitioner, the private respondents herein and other interested parties, if any. This shall be done as expeditiously as possible, at any rate within 'three months' from the date of receipt of a copy of this judgment.

7. The petitioner is directed to produce a copy of the judgment alongwith a copy of writ petition before the second respondent for further steps.
8. The writ petition stands disposed off accordingly.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge