

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2846 of 2019**

1. Keju Ram Sahu, S/o Ramphal Sahu, Aged About 47 Years
2. Sanjay, S/o Shiv Kumar Pandey, Aged About 43 Years
3. Jam Bai D/o Panchram Gond, Aged About 60 Years

R/o Village Bodary, Tahsil Bilha, District- Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Collector, Bilaspur, District- Bilaspur, Chhattisgarh.
3. Tahsildar, Bilha, District Bilaspur, Chhattisgarh.
4. Chief Municipal Officer, Nagar Panchayat Bodary, District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	Shri Keshav Prasad Gupta, Advocate
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For Respondent/State	Shri Rahul Jha, G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/09/2019

1. Heard.
2. The present petition is filed for following reliefs:

10.1 This Hon'ble Court may kindly be pleased to set-aside the impugned notice dated 14.08.2019 (Annexure P-1).

10.2 This Hon'ble Court may kindly be pleased to

direct the respondent authorities not to disturb the possession of the petitioners over the land bearing Khasra No. 706/1 situated at village Nagar Panchayat Bodari. Tahsil Bilha, District Bilaspur.

10.3 This Hon'ble Court may kindly be pleased to direct the respondent authorities to allow the petitioner to reside over the subject land, which has already been possessed by the petitioners.

10.4 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioners, which this Hon'ble Court deems fit in the circumstances of the case.

3. The case of the petitioners is that they have been served with a notice Annexure P-1 to vacate the land bearing khasra No. 706/1 wherein the superstructure of the house is existing. It is stated that the premises can be vacated in due course of law and the State may rehabilitate the petitioners according to the policy of the State.
4. Perused the reply of the State and documents annexed thereto.
5. The reply of the State would show that pursuant to the order dated 05.12.2018 passed by the Division Bench in WA No. 795 of 2018 whereby the Division Bench has affirmed the order of the Single Bench and has directed to remove the encroachers from khasra No. 706/1 village Belha. Subsequently, it is contended by the State that since the order of the Court was not being complied, therefore, contempt petition was filed against the Officers of the State which is pending adjudication. Presently the documents filed along with the reply, especially the panchnama would show that the petitioners themselves have vacated the house as they are residing at different

place at Bodri. Admittedly, the petitioners were encroachers over the government land. Since, the panchnama would show that the petitioners have already vacated the premises, therefore, no further adjudication would be required in this case even, otherwise the petitioners have failed to show that they have any right over the property to continue their possession especially when it is a government land. In view of this, no relief can be granted.

6. Accordingly, the petition stands dismissed.

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

Jyoti