

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 73 of 2019**

- Rakesh Gadewal, S/o Shri Suresh Kumar Gadewal, aged about 37 years, R/o Bhatapara, Ward No. 21, P.S. Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. The State of Chhattisgarh, Through Principal Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, District Janjgir-Champa (C.G.)
3. Sub Divisional Officer Janjgir, District Janjgir-Champa (C.G.)
4. Prem Kishore Bagh, son of Late Padari Jaisingh Bagh, aged about 55 years, Caste Christian, presently residing at Village Kudela Post and Tehsil Saraipali, District Mahasamund, Chhattisgarh.
5. J. Sona, President of Manonite Church Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Sumit Singh, Advocate.
For Respondents No.1 to 3:	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****24.09.2019**

1. The Petitioner has moved this Court with the following prayers:

“10.1 That, this Hon'ble Court may kindly be pleased to issue a appropriate writ/direction to the respondents to

remove the encroachment from Khasra No. 2617/1 Ward No. 21 Janjgir, District Janjgir-Champa, Chhattisgarh and to restore the playground for the use of general public.

10.2 That, the Hon'ble Court may kindly be pleased to grant any other ancillary relief(s), as it may deem fit and proper in the facts and circumstances of the case.

10.3 Cost of the petition.”

2. Heard Shri Sumit Singh, the learned counsel for the Petitioner as well as Shri Sudeep Agrawal, the learned Deputy Advocate General appearing for the State / Respondents No. 1 to 3.
3. The learned counsel for the Petitioner submits that the grievance is mainly with regard to the encroachment into the Government land at the instance of Respondents No. 4 and 5 and inspite of filing a detailed representation before the 2nd Respondent, it has not been acted upon and hence the Petitioner is constrained to move this Court by filing the writ petition.
4. When the matter is taken up for consideration, the learned counsel for the Petitioner submits that he will be satisfied with a direction to be given to the 2nd Respondent to have the matter considered and finalized within a reasonable time. The learned Deputy Advocate General submits that the matter will be finalized as above, in accordance with law of-course after affording an opportunity of hearing to the Petitioner as well as the private Respondents herein.
5. In the said circumstances, the writ petition is disposed off directing the 2nd Respondent to consider Annexure P/1 representation preferred by the Petitioner in accordance with law after affording an opportunity of hearing to the Petitioner and the Respondents No. 4 and 5, besides other interested parties if any. In view of the limited nature and relief sought for and granted and further since merit of the matter is not considered by this Court, we dispense with issuance of notice from this Court to the 2nd Respondent.

6. The Petitioner produced a copy of the judgment alongwith a copy of the writ petition before the 2nd Respondent. It will be open for the Petitioner to move the District Collector for interim relief, if any and that 2nd Respondent to pass appropriate order if circumstance so warrant.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge