

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3086 of 2019

Gaya Prasad Aged About 49 Years S/o Late Ram Avatar Sah R/o
Village Ganeshpur, Tehsil And District- Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhavan, Village Rakhi, New Raipur, District- Raipur, Chhattisgarh.
2. Collector, Surajpur, District- Surajpur, Chhattisgarh.
3. Nayab Tehsildar, Pilkha Area, District- Surajpur, Chhattisgarh.
4. Dilip Dubey S/o Krishna Dubey R/o Village Ganeshpur, Tehsil And District- Surajpur, Chhattisgarh.

--- Respondents

For petitioner – Shri Parag Kotecha, Advocate.
For State-Shri Soumya Rai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/09/2019

Heard.

1. Instant petition is filed for the reason that the Tehsildar is not obeying the orders of the higher authorities i.e. the Collector despite the fact that in duly constituted proceeding and after hearing order was passed for removal of the encroachment made by the respondent No.4 on 23/04/2018. It is contended that thereafter the revision was preferred by the petitioner for compliance of order on the ground that the order of the Tehsildar was not being complied. In such revision too order was passed by the Collector to comply the orders of Tahsildar thereby to remove the encroachment. Thereafter, the communication though was made on 20/03/2019 by Annexure P-4 by the Deputy Collector to the Naib Tehsildar, Pilkha the same is not being complied. The proceeding would show that it is unfortunate state of affairs if the officer in system do not obey the orders

of their higher authority then it is the State to take measures against the erring officer.

2. Without going into merits of the case, since apparently it appears that the orders have been passed for removal of encroachment from the government land under Section 248 of the C.G. Land Revenue Code with a fine, the same further been propelled in the revisional order by the Collector still it is not being complied with.

3. Consequently, Naib Tehsildar respondent No.3 and the Collector Surajpur are directed to comply their own orders initially which was passed on 23/04/2018 within a further period of three months.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE