

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 80 of 2019**

1. Kaushal Dewangan, S/o Lt. Shri Mehattar Ram Dewangan, aged about 58 years.
2. Rakesh Sahu, S/o Lt. Shri Ramadhin Sahu, aged about 36 years.
3. Bhagat Markandey, S/o Lt. Shri Tijau Markandey, aged about 61 years.
4. Radhe Shyam Patel, S/o Lt. Shri Shukharu Patel, aged about 45 years.
5. Dhaneshwar Nishad, S/o Lt. Shri Punit Nishad, aged about 62 years.

All are Resident of Village Jhalap, P.S. Patewa, Tahsil Mahasamund, District Mahasamund Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Capital Complex Naya Raipur, Post Office Rakhi, District Raipur, Chhattisgarh.
2. Collector Mahasamund, District Mahasamund, Chhattisgarh.
3. Sub-Divisional Officer (Revenue), Mahasamund, District Mahasamund, Chhattisgarh.
4. Tahsildar Mahasamund, District Mahasamund, Chhattisgarh.
5. Village Panchayat Jhalap Through The Sarpanch Village Jhalap P.S. Patewa, District Mahasamund, Chhattisgarh.
6. Pramod Kumari, W/o Narayan, aged about 65 years, Resident of Village Jhalap, P.S. Patewa, Tahsil and District Mahasamund, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri V.K. Pandey, Advocate.
For Respondents/State	:	Shri V.R. Tiwari, Additional 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

15.10.2019

1. The Petitioner has filed this writ petition, styled as a Public Interest Litigation, with the following prayers:

“10.1 That, Hon'ble Court may kindly be pleased to issue notices to the respondents, returnable within early date of hearing.

10.2 That, the Hon'ble Court may kindly be pleased to set aside/quash the order dated 05.07.2019 and 23.07.2019 passed by the Respondents No. 4 & 3.

10.3 That, the Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the Respondent No. 1, 2 & 3 to take proper steps against the Respondent No. 6 for evicting her from the land bearing Khasra No. 626/1 situated at village Jhalap, P.S. Patewa, District Mahasamund (C.G.) and further be pleased to direct the revenue authorities to re-record the land as an “Abadi” land reserved for Dharamshala (House of Pilgrims).

10.4 That, the Hon'ble Court may kindly be pleased to issue any other relief(s)/order(s)/direction(s) in favour of petitioner, which deemed fit and proper in the facts & circumstances of the case, in the interest of justice.

10.5 Cost of the petition.”

2. Heard Shri V.K. Pandey, the learned counsel for the Petitioners and Shri V.R. Tiwari, the learned Additional Advocate General for the State.
3. It is the case of the Petitioners that the 6th Respondent has encroached into the Government land, effecting some constructions of his own. This was brought to the notice of the authorities by filing various representations, which however, is still to be acted upon and hence the grievance.

4. It is revealed from the pleadings and proceedings, that based on the complaint preferred before the departmental authorities, an enquiry was conducted and an order was passed by the 3rd Respondent i.e. Sub Divisional Officer (Revenue) as borne by Annexure P/3, which virtually stands in favour of the 6th Respondent. If the Petitioners are aggrieved in any manner, it is for the Petitioners to have it challenged by filing appropriate proceedings in terms of Section 44 of the Land Revenue Code before the 2nd Respondent, submits the learned Additional Advocate General.
5. In the above circumstance, the Petitioners are set at liberty to file appropriate proceedings/appeal in terms of the Section 44 of the Land Revenue Code before the 2nd Respondent and if any such appeal is filed within 'one month' from today, it shall be considered and appropriate orders shall be passed by 2nd Respondent in accordance with law, after affording an opportunity of hearing to the Petitioners and the affected/interested parties, within a further period of three months.
6. The writ petition stands disposed of. The Petitioners are directed to produce a copy of this judgment alongwith the copy of writ petition before the 2nd Respondent for further steps.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge