

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3652 of 2019**

Bhushan Prasad Madhukar Son Of Late Derha Prasad Madhukar,
Caste Suryavanshi, R/o Pachpedi, Tahsil Masturi, District Bilaspur
Chhattisgarh.,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh.
2. Collector Bilaspur, District Bilaspur Chhattisgarh.
3. Nayab Tahsildar Masturi, District Bilaspur Chhattisgarh.
4. Jhadi Ram S/o Amelal, Caste Suryavanshi
5. Kaliram S/o Chhedilal, Caste Suryavanshi
6. Siyaram S/o Firtu, Caste Suryavanshi
7. Surendra Kumar S/o Mahesh Ram, Caste Suryavanshi
8. Uma S/o Baijnath, Caste Suryavanshi
9. Arun S/o Jagatu, Caste Kalar
10. Gandhi S/o Baldau, Caste Suryavanshi
11. Raj Kumar S/o Baldau, Caste Suryavanshi
12. Vijay Kumar S/o Sakha, Caste Patwa
13. Amar Singh S/o Chhedi Singh, Caste Kshatri
14. Ramsagar S/o Chitram, Caste Suryavanshi
15. Dhanesh S/o Bhagela, Caste Suryavanshi
16. Basant S/o Bhagela, Caste Suryavanshi,
Respondents No. 4 to 16 are R/o Village Pachpedi, Tahsil Masturi,
District Bilaspur Chhattisgarh.
17. Station House Officer Police Station Pachpedi, District Bilaspur Chhattisgarh

----Respondents

For Petitioner	:	Mr. Mirza Kaiser Baeg, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/10/2019**

1. The present writ petition has been filed seeking limited relief for a direction to the respondents No. 2 & 3 to take appropriate steps ensuring that the order of the respondent No.3 Annexure P/1 dated

20.06.2019 is complied with at the earliest and the possession of the disputed land is restored back to the petitioner.

2. Perusal of the record would show that there was already an order issued by the respondent No.3 for removal of the encroachment by issuance of a warrant in this regard on 22.07.2019. However, apprehending law and order problem, the concerned authority could not get the order executed and has prayed for the presence of the respondent No.3 also for execution of the said order. Thereafter, it appears that there has been no further development or progress made at the level of the respondents No.2 & 3.
3. Given the facts that there is already an order passed by the Nayab Tahsildar on 20.06.2019 and there is also an order dated 22.07.2019 passed by the Nayab Tahsildar for removing of the encroachment and for restoring the possession of land to the petitioner. It goes without saying that unless the order of the Nayab Tahsildar is challenged before a higher forum and is either stayed or set-aside/quashed by the higher authorities, the order so passed under the provisions of the Chhattisgarh Land Revenue Code has to be implemented in its letter and spirit.
4. Without expressing any opinion on the merits of the order passed by the Nayab Tahsildar, subject to verification of the same by the authorities concerned, if required, so far as the claim of the petitioner is concerned, it is expected that the respondents No. 2 & 3 shall take all necessary steps including taking assistance of the police force in getting the order executed at the earliest preferably

within a period of 60 days from the date of receipt of the copy of this order.

5. It shall be the responsibility of the petitioner to apprise the respondents No.2 & 3, so also the other respondents, so far as the order passed by this Court is concerned.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved