

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3653 of 2019**

1. Ram Narayan Patel, S/o Shri Babu Lal Patel, Aged About 39 Years, R/o Village-Pamgarh, Tahsil- Kharsia, District : Raigarh, Chhattisgarh

**---- Petitioner****Versus**

1. The Collector, District: Raigarh, District : Raigarh, Chhattisgarh
2. The Sub Divisional Officer (R) Kharsia, District : Raigarh, Chhattisgarh
3. The Tahsildar, Tahsil- Kharsia, District : Raigarh, Chhattisgarh

**.....Respondents**


---

|                |   |                                   |
|----------------|---|-----------------------------------|
| For Petitioner | : | Mr. Jeet Patel, Advocate          |
| For State      | : | Ms. Ishwary Grhitlahre, P. Lawyer |

---

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****15.10.2019**

1. The challenge in the present Writ Petition is to the order Annexure P-1 dated 26.09.2019 passed by the Nayab Tahsildar, Tahsil:Kharsia, District:Raigarh. The impugned order is a notice of removal of illegal encroachment.
2. The contention of the petitioner is that the impugned notice has been issued with malafide intention issued at the behest of Nayab Tahsildar for the vested interest.
3. According to the petitioner, he is not an illegal encroacher of the said piece of land and the portion of land which is in his possession is one which he got from the resolution passed by the Gram Sabha Gram: Pamgarh vide their resolution dated 03.11.2017 and therefore, the notice of removal of illegal encroachment is bad in law.

4. This Court is of the opinion that, so far as the notice under challenge is concerned, the same is in respect of only removal of illegal encroachment, if any, made by the petitioner. In the event, if the petitioner is able to establish that he has not made any illegal encroachment on the said land, the effect of the impugned notice would itself stand diluted or it becomes redundant. Subject to verification of the fact by the Respondent No. 2 and 3, so far as whether the petitioner is an illegal encroacher or not. The present Writ Petition stands disposed-off.
5. Let the petitioner apprise the Nayab Tahsildar, Kharsia so far as his possession, the fact that he has not made any illegal encroachment on the government land and the Nayab Tahsildar in turn shall pass a suitable order thereafter in accordance with law after due consideration of the same.
6. It is made clear that in the event, if it is found that the petitioner is an illegal encroacher, the authorities are expected to take appropriate action immediately for removal of any sort of illegal encroachment.
7. With the aforesaid observations, the present Writ Petition stands disposed off.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**