

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4194 of 2019

Khulasram Sahu S/o. Late Hariram Sahu Aged About 45 Years R/o. Village-Anjora, P. O. -Thanod, Tahsil- Rajnandgaon, District-Rajnandgaon Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through- The Secretary, Panchayat Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, P.S.-Rakhi, District-Raipur Chhattisgarh.
2. The Collector District Rajnandgaon Chhattisgarh.
3. The Sub Divisional Officer Revenue, Sub Division Rajnandgaon, District-Rajnandgaon Chhattisgarh.
4. The Tahsildar Rajnandgaon, District Rajnandgaon Chhattisgarh.
5. The Chief Executive Officer Janpad Panchayat Rajnandgaon Chhattisgarh
6. Gram Panchayat Anjora, Through-Sarpanch, Block-Rajnandgaon, District Rajnandgaon Chhattisgarh.

---Respondents

For Petitioner	:	Shri Rakesh Thakur, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.11.2019

1. The grievance of the petitioner in this petition is his apprehension of the respondents initiating eviction proceedings which includes demolition of his house where he dwells at Survey No.257/1 in village Anjora, Post Thanod, District Rajnandgaon.
2. The contention of the petitioner is that, the petitioner has been allotted Patta on the Abadi land by the Gram Panchayat way back in the year, 2004 and the petitioner has also constructed a Kuchha house over which he resides. He had moved the authorities for grant of financial assistance under Pradhan Mantri Awas Yozna for construction of a Pucca house which was also duly sanctioned and part payment was also released to the petitioner.

3. However, for releasing of the balance part, the respondents have now issued Annexure P/4 dated 23.04.2019 holding that the petitioner is constructing a house not at the place where he was supposed to, but is constructing a house on the encroached land which is otherwise marked for construction of a Higher Secondary School.
4. The petitioner submits that he has instructions to state that the house which is being constructed by the petitioner was at the specific place and on the place for which he has received Abadi Patta and there is also No Objection from the Gram Panchayat for the same. The proposed place for construction of a Higher Secondary School is a different place and not the place where the petitioner is constructing his house that is a separate piece of land altogether.
5. Given the said factual matrix of the case, this court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondents No.5&6 to consider the claim of the petitioner after due verification of the facts as to whether the petitioner is constructing his house at the place over which he has been granted Patta and also to verify whether the proposed site for Higher Secondary School is the same land or a different land. It is expected that the claim of the petitioner shall be duly considered by a speaking order to be passed by the respondents No.5&6.
6. It shall be the responsibility of the petitioner to apprise the respondents No.5&6 so far as order passed by this court is concerned.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge