

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPIL No. 94 of 2019

Adiwasi Gond Samaj- Jila Bilaspur Chetr, Chak Chetr Uslapur, Registration No. 122281819146/18, Through President Shri Aajuram Dhruw, S/o Dukhu Ram Aged About 59, R/o Village Uslapur, Police Station Sakri, Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Raipur Chhattisgarh.
2. Collector District Bilaspur Chhattisgarh.
3. Sub Divisional Officer (Revenue) Kota, Tahsil Takhatpur, District Bilaspur Chhattisgarh.
4. Additional Tahsildar Sakri Tahsil Takhatpur, Bilaspur, District Bilaspur Chhattisgarh.
5. Umesh Kumar Murarka S/o Bajrang Prasad Murarka Aged About 54 Years R/o Murarka Bhawan, Near Mahima Complex Behind Vaipar Vihar Bilaspur, Tahsil and District Bilaspur Chhattisgarh.
6. Dinesh Kumar Murarka S/o Vijay Murarka Aged About 48 Years R/o Near Animal Hospital, City Kotwali, In Front of Kali Mandir, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.

-----Respondents

For Petitioner	:	Dr. N.K. Shukla, Senior Advocate with Shri Sunil Lakra, Advocate & Shri Ajay Lakra, Advocate.
For State	:	Shri Sudeep Agrawal, Dy. Advocate General.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per PR Ramachandra Menon, CJ
12.12.2019

1. The petitioner has moved this Court with the following prayers -;

“10.1 That, the hon'ble Court may kindly be pleased to call the entire records of the case, from the respondents.

10.2 That, the Hon'ble Court may further kindly be pleased to issue an appropriate writ, order thereby directing the respondent to immediately remove encroachment and illegal occupation and to take the possession of the subject land

10.3 That, the Hon'ble Court may further kindly be pleased to issue an appropriate writ, order thereby directing the respondent State to conduct an enquiry

in the matter which perhaps has caused loss of crores of rupees to the public exchequer and thereafter to take appropriate action against the concerned encroacher as per law.

10.4 That, the Hon'ble Court may further kindly be pleased to issue an appropriate writ, order thereby directing to immediately stop further occupation of the subject land and also to stop any construction over it

10.5 Any other relier which this Hon'ble Court deems fit and proper may also kindly be granted to the petitioner, in the interest of justice. "

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Deputy Advocate General appearing for the State.
3. During the course of submissions it is pointed out by the learned Senior Counsel that the grievance is mainly with regard to the encroachment into the Government lands by the private respondents herein. It is also stated that the above instance has been specifically brought to the notice of the District Collector i.e. the second respondent by submitting Annexure P/7 representation which, however, has been put in cold storage and hence, the present writ petition.
4. Considering the submission by the learned Senior Counsel that the petitioner will be satisfied, if a direction is given to the second respondent to have the said representation considered within a reasonable time, we find it appropriate to hold that no notice does require to be issued to the private respondents herein, more so, since we are not deciding the merits of the case.
5. The writ petition is disposed off, directing the second respondent to consider and pass appropriate orders on Annexure P/7 in accordance with law, after affording an opportunity of hearing to the petitioner, the private

respondents and other interested parties, if any. The process and proceedings as above shall be finalized as expeditiously as possible, at any rate within 'three months' from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

Sd/-

(PR Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge