

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 4075 of 2019**

1. Paras Ram S/o Hansa Ram Aged About 40 Years R/o Village Nawagaon, Tahsil S. Lohara, District Kabirdham, Chhattisgarh
2. Ishwari S/o Pardeshi Aged About 38 Years R/o Village Nawagaon, Tahsil S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Bhagwat S/o Baghela Aged About 39 Years R/o Village Nawagaon, Tahsil S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. Ramjhul S/o Jagdish Aged About 45 Years R/o Village Nawagaon, Tahsil S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

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

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Department, Mantralaya, Mahandi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Collector Kabirdham, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Sub Divisional Officer Kabirdham, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. Tahsildar S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
5. Chief Executive Officer Janpad Panchayat, S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

6. Station House Officer Police Station Kawardha, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
7. Sarpanch Gram Panchayat, Nawagaon, Janpad Panchayat, S. Lohara, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondents

|                |   |                       |
|----------------|---|-----------------------|
| For Petitioner | : | Mr. CJK Rao, Advocate |
| For State      | : | Mr. Ayaz Naved, GA    |

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

**14/11/2019**

1. The challenge in the present writ petition is to the show cause notice issued by the Gram Panchayat, Nawagaon under Janpad Panchayat, S. Lohara.
2. Contention of the petitioners is that the petitioners have constructed their houses on the Aabadi land of the Village and for the purpose of said construction of house the petitioners have got the subsidy from the Central Government under 'Pradhan Mantri Awas Yojana(Gramin)'. Counsel for the petitioner further submits that petitioners have also in the past got the benefit of O.D.F. Scheme of the Central Government inasmuch as the Government has got toilets constructed under the said scheme in the said village which would also show that the petitioners were not encroachers upon the said land. The petitioners further submit that they have already made an application/representation in this regard to the respondent No.4 Tehsildar and where the application of the petitioners are still pending.
3. Counsel for the Petitioner himself submits, let respondent No.4 may conduct an enquiry to ascertain whether the petitioners have illegally encroached upon the Aabadi land of the village or not and subject to

verification of facts, appropriate decision may be taken by the respondent No.4 and also by the concerned Gram Panchayat/Janpad Panchayat at S. Lohara.

4. Counsel for the State however opposing the petition submits that, except for the contentions made by the petitioners in the writ petition, the same are not substantiated by any sort of cogent document establishing their title or right over the said land and thus it appears that petitioners have illegally encroached upon the Government land and made use of it for construction therein.
5. Given the facts and circumstances of the case, this Court is of the opinion that ends of justice would meet if the representations which the petitioners have made to the Tehsildar is duly scrutinized and based on the verification of these representations of the petitioners an appropriate decision be taken in respect of eviction of the petitioners by the Tehsildar.
6. Till the respondent No.4 Tehsildar conducts an enquiry/verifies facts, let status quo as it exists today be maintained. However, authorities concerned would be at liberty to take appropriate steps based upon the finding thereafter.
7. With the aforesaid observations, the writ petition stands disposed of.
8. Certified Copy Today.

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

Rohit