

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 4147 of 2019

Gopal Sharma S/o Late Rameshwar Sharma Aged About 40 Years R/o Ratakhari Bajrang Chowk, Korba, Tahsil and District Korba Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Collector Korba District Korba Chhattisgarh.
3. Sub Divisional Officer (Revenue) Korba District Korba Chhattisgarh.
4. Tahsildar Korba District Korba Chhattisgarh.
5. Ranvijay Singh @ Ranvir Singh R/o Ward No. 03, Ratakhari Basti Korba Tahsil And District Korba Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Upasna Mehta, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.11.2019

1. The grievance of the petitioner is in respect of the alleged encroachment being made by the respondent No.5 on the government land situated at Khasra No.75/1 at village Ratakhari, Bajrang Chowk, Tehsil and District Korba.
2. The contention of the petitioner is that, after having made encroachment by the respondent No.5, he is plotting the property and is selling to different persons and in the process the right to access to main road from petitioner's house is getting blocked. According to the petitioner, the other villagers and the petitioner have made various complaints to the Collector and other revenue officers but no action has been taken by the authorities till date.
3. Section 248 of the Chhattisgarh Land Revenue Code, 1959 (in short, the Code) lays down certain clear provision of law dealing with unauthorized

possession of government land and there is a mechanism provided under the Code itself for dealing with such a situation.

4. Given the said facts and circumstances of the case, in addition to the complaints that have already been lodged by the petitioner and other villagers, the petitioner is further directed to approach the authorities by moving appropriate application under Section 248 of the Code and the respondents No.2 to 4 are thereafter directed to consider the said complaint/application so moved and appropriate steps be drawn and orders be passed determining the application in accordance with the provisions of the Code.
5. Accordingly, reserving the right of the petitioner to approach the authorities under the law by moving application under Section 248 of the Code for ventilating his grievances, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder