

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 630 of 2020

Anath Ranjan Mandal S/o Late Shri Jageshar Mandal Aged About 62 Years Resident of Village Tambeshwar Nagar (Aaragahi) Post Aaragahi, Police Station and Tahsil Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary Revenue, Mahanadi Bhawan Naya Raipur Chhattisgarh.
2. Collector Balrampur Ramanujganj Chhattisgarh.
3. Sub Divisional Officer (Revenue) Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
4. Tahsildar Ramanujganj District Balrampur Ramanujganj Chhattisgarh.
5. Khokhandhar S/o Late Sudhirdhar Aged About 52 Years;
6. Smt. Nibha Rani Wd/o Late Sudhirdhar Aged About 70 Years;
7. Lakhandhar S/o Late Sudhirdhar Aged About 45 Years;
8. Sanjeevdhar S/o Late Sudhirdhar Aged About 40 Years;
9. Smt. Shanti Devi Wd/o Late Vishnupad Viswas Aged About 50 Years;
10. Vikas S/o Late Vishnupad Aged About 30 Years;
11. Vijay S/o Vishnupad Aged About 25 Years;

Respondents No. 5 to 11 are Resident of Village Tambeshwar Nagar (Aaragahi) Post Aaragahi , Police Station and Tahsil Ramanujganj , District Balrampur Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Shri VK Pandey, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.02.2020

1. The relief sought for by the petitioner in this petition is for an appropriate direction to the respondent No.4 to take an early decision in case No.12/A-70/2011-12 (Anath Ranjan Vs. Sudhirdhar).
2. The facts of the case, in brief, is that the petitioner was in possession of land bearing Khasra No.12, situated at Village Tambeshwar Nagar (Aaragahi), PS & Tehsil Ramanujganj, Distt. Balrampur, measuring 2.113 Hects. Meanwhile, the respondents No.5 to 11 is said to have encroached upon a portion of the said land and have started residing there. The

petitioner initiated a proceeding under Section 248 of the Land Revenue Code which stood decided in favour of the petitioner vide order dated 18.05.1987 wherein the respondents No.5 to 11 were directed to evict from the said portion of land and hand over possession to the petitioner. Since the respondents No.5 to 11 did not vacate the premises, the petitioner moved another application under Section 250-A of the Land Revenue Code on 07.06.2012 for taking appropriate steps under the said Act for sending the offenders to civil prison. The case has been registered as Case No.12/A-70/2011-12 (Anath Ranjan Vs. Sudhirdhar).

3. The grievance of the petitioner is that, though more than 7 years have passed, the respondent No.4 till date has not finalized the proceeding under Section 250-A of the Land Revenue Code, and in the process the petitioner's right to possession over the said property is still being denied, and therefore, makes a limited prayer to direct the respondent No.4 to take appropriate steps at the earliest.
4. To the limited relief sought for by the petitioner, the State counsel does not oppose.
5. Given the said facts, subject to verification of the same by the concerned authority, the respondent No.4 is directed to immediately proceed further with the aforementioned case and decide the same at the earliest preferably within a period of 90 days from the date of receipt of copy of this order. The respondent No.4 is further directed to avoid unnecessary adjournments of the case and decide the same in accordance with law within the stipulated period.
6. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge