

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 591 of 2019

Lalit Kumar Sahu S/o Shri Gend Lal Sahu Aged About 40 Years R/o Village- Amagohan, Post- Khongsara, Tahsil and Block-Kota, P.S. Kota, District- Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Capital Complex, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
- 2.** The Collector Collectorate Office Bilaspur, District- Bilaspur, Chhattisgarh.
- 3.** Sub Divisional Officer (R) Kota, District- Bilaspur, Chhattisgarh.
- 4.** Tehsildar Kota, District- Bilaspur, Chhattisgarh.
- 5.** Gram Panchayat Amagohan Tehsil- Kota, District- Bilaspur, Chhattisgarh.
- 6.** Prabhat Kumar Jaiswal R/o Village Amagohan, Post- Khaongsara, Tahsil And Block-Kota, P.S. Kota, District- Bilaspur, Chhattisgarh.
- 7.** Smt. Sumanlata Jaiswal W/o Prabhat Kumar Jaiswal R/o Village- Amagohan, Post- Khongsara, Tahsil and Block-Kotra, P.S. Kota, District- Bilaspur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Vivek Kumar Agrawal, Advocate.
For State	:	Shri Sidharth Dubey, Dy. Govt. Advocate.
For Respondent 6&7	:	Shri F.S. Khare, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.07.2020

- 1.** The primary grievance of the petitioner in the present writ petition is the alleged illegal construction initiated by the respondents No.6 & 7 by encroaching upon a government land situated in Khasra Nos. 54/1(PA)/1 and 54/1 (KA) in P.H. No.1 at village Amagohan, Tehsil Kota, District Bilaspur.
- 2.** Learned counsel appearing for the respondents No.6 & 7 submits that the respondent authorities have already conducted a couple of enquiries and in none of the enquiries has it been found that the respondents No.6&7 have encroached upon a government land. Rather it is a case where the revenue records show that the property over which they are carrying out

construction stands in the name of the respondents No.6&7. However, the respondents No.6&7 accepts that they are still ready to face any sort of enquiry which the State authorities may conduct determining whether there is an encroachment made or not.

3. The State authorities also referring to Annexure R/1 submits that from the revenue record it appears that the respondents No.6&7 are carrying out the construction on the land over which in the revenue records the name of the respondents No.6&7 itself is recorded and as such there does not prima facie seem to be any encroachment made. The State counsel however submits that it can still be verified by the State authorities.
4. Given the aforesaid submissions by the counsel appearing for the parties, this court is of the opinion that the whole matter itself can be resolved by disposing the writ petition by directing the respondents No.3&4 to look into the allegation of encroachment made by the respondents No.6&7 and conduct an enquiry and thereafter pass appropriate orders. The petitioner also is at liberty to approach the respondents No.3&4 by providing all relevant materials in his possession to show that the alleged illegal construction carried out by the respondents No.6&7 is upon the government land.
5. The writ petition accordingly stands disposed of. The respondents No.3&4 are expected to take a decision at the earliest preferably within a period of four months from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge