

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1434 of 2020

Smt. Usha Devi W/o Shri Laxmi Prasad Bhargav Aged About 49 Years
Elected Sarpanch of Gram Panchayat Vidyadih (Tanger), Police Station
Pachpedi, Tahsil Masturi, District Bilaspur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, Atal Nagar, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur Chhattisgarh
3. Sub Divisional Officer (Revenue) Tahsil Masturi, District Bilaspur, Chhattisgarh.
4. Naib Tahsildar Tahsil Masturi, District Bilaspur, Chhattisgarh.
5. Shatrughan S/o Bhuru Ram R/o Village Vidyadin (Tanger), Police Station Pachpedi, Tahsil Masturi District Bilaspur, Chhattisgarh

---Respondents

For Petitioner	:	Shri Ravi Maheshwari, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.07.2020

1. The primary grievance of the petitioner seems to be the illegal encroachment made by the respondent No.5 on government land and the alleged construction which is being carried out by the respondent No.5.
2. From the record it appears that the Tehsildar had registered a case on the complaint made by the petitioner, but the same has not been finalized on account of non availability of proper report from the concerned Patwari in a proper format as is required.
3. Given the said dispute and considering the order sheet dated 11.06.2020 passed by the Naib Tehsildar, Masturi, this court is of the opinion that the

ends of justice would meet if the Tehsildar and the State authorities are directed to get the proper report from the concerned Patwari at the earliest and thereby take appropriate action in accordance with law.

4. When the allegation is in respect of the construction being made on government land, the Tehsildar has all the powers with him to inspect the property and see whether the encroachment infact has been done or not and also whether the constructions is being carried out without proper approval/sanction or permission from the State authorities. The Tehsildar also has got powers for issuing necessary order staying of the constructions till it is decided as to whether the private respondent has encroached upon the government land or not. It is expected that the Tehsildar shall take prompt action in this regard in accordance with law.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder