

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1493 of 2020**

Shyamal Kumar Sarkar S/o Shri Hajari Lal, Aged About 45 Years, R/o
Village Lailunga, Tahsil Lailunga, District Raigarh, Civil And Revenue
District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department,
Mahanadi Bhavan, Atal Nagar, New Raipur, Chhattisgarh
2. The Collector, Raigarh, District Raigarh, Chhattisgarh
3. The Sub Divisional Officer, Lailunga, District Raigarh, Chhattisgarh
4. The Tahsildar, Lailunga, District Raigarh, Chhattisgarh
5. The Patwari, Halka No. 37, Tahsil Lailunga, District Raigarh
Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Kumar Sinha, Advocate
For Respondents	:	Mr. Raghvendra Verma, Govt. Advocate & Mr. Pankaj Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.08.2020**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 13.03.2020 passed by the Sub Divisional Officer which is a show cause notice calling upon the petitioner as to why he should not be imprisoned for not abiding by the order of the Tahsildar dated 18.02.2020 asking the petitioner to remove the illegal encroachment made by him in Khasra No. 512/2 in village Lailunga.

2. Perusal of the record would show that the impugned order Annexure P-1 seems to have been passed pursuant to a proceeding drawn by the Tahsildar against the petitioner under the provisions of the Chhattisgarh Land Revenue Code and the petitioner has been declared to be an encroacher upon the aforementioned land. From the pleadings it also appears that the Tahsildar had also penalized the petitioner for encroaching upon the Govt. land by imposing fine and the petitioner has deposited the fine, thereby forcing this Court to draw an inference that the petitioner has admitted the order passed by the Tahsildar. Moreover, the order of the Tahsildar dated 18.02.2020 has not been challenged before any forum till now.
3. Given the facts, this Court is of the opinion that unless the order of the Tahsildar dated 18.02.2020 is set aside by any forum, the said order shall hold the field and the revenue authorities are bound to proceed in accordance with law.
4. The impugned notice in the present writ petition is only a notice calling upon an explanation from the petitioner as to why he should not be sent for civil imprisonment for non compliance of the order dated 18.02.2020. The petitioner can appear before the authorities and submit his explanation to the Sub Divisional Officer so far as the veracity of Annexure P-1 is concerned. Annexure P-1 in fact is not an order, rather it is only a notice issued to the petitioner.
5. In view of the order dated 18.02.2020 not being challenged, this Court finds it difficult to entertain the present writ petition questioning only a show cause notice issued subsequently and which is consequential.

6. Thus, reserving the right of the petitioner to avail appropriate remedies available to him, the writ petition stands dismissed.

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

Khatai