

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1894 of 2020

1. Hori Lal Janghel, S/o Vishnu Ram Janghel, Aged About 48 Years,
R/o Village Salhe Khurd, Tahsil Dhamdha, District : Durg,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural
Development Department, Mantralaya, Mahanadi Bhawan, Atal
Nagar Nawa Raipur, District : Raipur, Chhattisgarh
2. Collector Durg, District : Durg, Chhattisgarh
3. Sub Divisional Officer-Revenue, Dhamdha, District : Durg,
Chhattisgarh
4. Sarpanch, Gram Panchayat, Salhe Khurd, Tahsil Dhamdha, District :
Durg, Chhattisgarh
5. Secretary, Gram Panchayat Salhe Khurd , Tahsil Dhamdha, District :
Durg, Chhattisgarh

----- Respondents

For Petitioner	:	Mr. Pramod Ramteke, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.09.2020

1. The challenge in the present writ petition is to the order Annexure P-
1 dated 06.07.2020 passed by the Respondent No. 4, directing the
petitioner to vacate the alleged encroachment made by him by
constructing a Gothan (cattle shed) over the land, which otherwise

has been proposed for the construction of a New Panchayat Bhawan.

2. The contention of the counsel for the petitioner is that the property which is in possession of the petitioner is one which situates in Khasra No. 426 at Village : Salhe Khurd, Gram Panchayat: Dhamdha, District: Durg, (C.G.). That the said property is in possession of the petitioners since ages, as the property was originally recorded in the name his great grandfather namely, Ratiram, who has since expired and since then, the petitioner and his father have inherited the property, who are still in possession of the same. According to the counsel for the petitioner, the name of the great grandfather of the petitioner is still reflected in the revenue records. According to the petitioner, the said property is being used by the petitioner for agriculture purpose. Abruptly now, the respondents have issued the impugned notice, asking the petitioner to remove encroachment whereas according to the petitioner he is not an encroacher. Meanwhile, the petitioner was also issued with a notice in this regard by the Gram Panchayat on 24.06.2020 which the petitioner has already assailed under Section 91 before the Sub-Divisional Officer (Revenue) and where the appeal of the petitioner is still pending.
3. In view of the given factual matrix of the case, this Court is of the opinion that it would be in the larger interest of justice, if the writ petition is disposed off, directing the Sub-Divisional Officer (Revenue

) to verify and decide the appeal of the petitioner which the petitioner has filed u/s 91 in-accordance-with law after due verification of the revenue records and also taking note of the details of the period of possession of the property with the petitioner and his family.

4. Till a decision is taken by the Sub-Divisional Officer, it is expected that the respondents shall not take any coercive steps against the petitioner by dis-possessing him from the said property. The interim protection granted by this Court would be only to the extent of the property which stands in the name of the ancestors of the petitioner. Any encroachment beyond the property which was in the name of the ancestors, the respondents would be at liberty to initiate appropriate proceedings in-accordance-with law. However the right of the petitioner stands reserved for approaching the court in case the grievance of the petitioner still survives.
5. With the aforesaid direction, the writ petition stands disposed off

Sd/-
(P. Sam Koshy)
Judge