

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1908 of 2020**

1. Arun Mishra, S/o Rajnarayan Mishra, Aged About 59 Years R/o Chhote Atarmuda, Raigarh, District - Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Tahsildar (Nazul), Raigarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. C.Jayant K Rao, Adv.
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/08/2020**

1. The present writ petition has been filed by the petitioner aggrieved of the public notice issued by the respondent No. 3 dated 05.08.2020 whereby it has been held that the petitioner has illegally encroached upon the Government Nazul Land and he has also not paid the establishment fees.
2. The contention of the counsel for the petitioner is that petitioner has a property which stands in the name of his wife having purchased the property by executing a registered sale deed and thus he is not a encroacher. The petitioner's wife has purchased the property from one Mr. Yugal Kishore Gupta whose name stood reflected in the revenue record
3. Mr. Siddharth Dubey, Dy. G.A. appearing for the respondent/State at this juncture submits that the public notice against which the petitioner has come, could have been replied by the petitioner supported with all relevant documents and the respondent No. 3 in turn would have taken appropriate steps thereafter on due verification of the facts. According to the Counsel for the State, petitioner has rushed to the High Court rather than approaching the State Administration itself in respect of his grievance.
4. Given the said submission made by the Counsel for the parties, this Court is of the opinion that, let the petitioner approach the respondent No. 3- the

Tahsildar by submitting all relevant documents in support of his right over the said property and the respondent No. 3 in turn shall duly consider the same in accordance with law and pass an appropriate order on its own merits.

5. It is made clear that subject to the petitioner approaching the respondent No. 3 within a period of 7 days from today and till the respondent No. 3 takes a decision finally, no coercive steps be taken against the petitioner from being dispossessed of the said property.
6. The writ petition accordingly stands disposed of.

Certified Copy Today

Sd/-

(P. Sam Koshy)
Judge

Jyotijha