

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1961 of 2020**

1. Umend Ram Dahariya S/o Late Pardeshi Dahariya, Aged About 58 Years Caste Satnami, R/o Village Kharkena, Tahsil Takhatpur, Civil And Revenue District Bilaspur Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, New Raipur, Civil And Revenue District Raipur Chhattisgarh.
2. The Collector, Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh,
3. The Tahsildar, Takhatpur, Civil And Revenue District Bilaspur Chhattisgarh,
4. The Additional/ Nayab Tahsildar Sakari, Civil And Revenue District Bilaspur Chhattisgarh,
5. The Executive Officer, Janpad Panchayat Takhatpur, Civil And Revenue District Bilaspur (Chhattisgarh),
6. The Sarpanch, Village Panchayat Kharkena, Tahsil Takhatpur, Civil And Revenue District Bilaspur Chhattisgarh,

---- Respondents

For Petitioner	:	Mr. Paras Mani Shriwas, Adv.
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/09/2020**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 13.07.2020 passed by the Nayab Tahsildar, Sakari District Bilaspur, where the Nayab Tahsildar has, in a proceeding under Section 248(1) of the Chhattisgarh Land Revenue Code, asked the petitioner to vacate the land over which he has encroached upon and carrying on cultivation.
2. At the outset, this Court is of the opinion that since the impugned order is an appealable order, it would not be appropriate for this Court to exercise its writ jurisdiction under Article 226 of the Constitution of India at this juncture. The right of the petitioner stands reserved to prefer an

appeal, if he so wants, before the concerned Appellate Authority within a period of 15 days from today.

3. Purely as an interim measure, till the petitioner approaches the Appellate Authority along with an application for stay, the respondents are directed not to take any coercive steps against the petitioner in respect of the aforesaid land, over which he is allegedly said to have encroached upon.
4. Subject to the petitioner furnishing a photocopy of the original order, the certified copy can be returned to the petitioner enabling him to file an appeal before the Appellate Authority.
5. With the aforesaid observation/direction, the writ petition accordingly stands disposed of

Sd/-

(P. Sam Koshy)
Judge

Jyotijha