

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1953 of 2020**

1. Shyam Lal Chauhan, S/o Ghashiram @ Samaru Chauhan, Aged About 55 Years, R/o Village - Chhatwan, Police Station Rajadewari, Tahsil Kasdol, District : Balodabazar-Bhathapara, Chhattisgarh
2. Chhabi Lal Sahu, S/o Tijram Sahu, Aged About 45 Years, R/o Village - Chhatwan, Police Station Rajadewari, Tahsil Kasdol, District : Balodabazar-Bhathapara, Chhattisgarh

**---- Petitioners**

**Versus**

1. State of Chhattisgarh Through Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, New Raipur, District : Raipur, Chhattisgarh
2. Collector, District Balodabazar - Bhatapara, Chhattisgarh.
3. Tahsildar, Tahsil Kasdol, District Balodabazar - Bhatapara, Chhattisgarh.
4. Nayab Tahsildar, Tahsil Kasdol, District : Balodabazar-Bhathapara, Chhattisgarh
5. Sarpanch, Gram Panchayat Chhatwan, Janpad Panchayat Kasdol, Tahsil Kasdol, District Balodabazar - Bhatapara, Chhattisgarh

**-----Respondents**

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| For Petitioners | : | Mr. Anupam Dubey, Advocate       |
| For State       | : | Mr. Sudeep Verma, Dy. Govt. Adv. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**25.08.2020**

1. The challenge in the present writ petition is to the order Annexure P-1 whereby the Nayab Tahsildar vide the impugned order dated

22.08.2020 has granted three days time coming to an end today ie., on 25.08.2020 for vacating the premises over which the petitioner has been residing since many decades.

2. The contention of the counsel for the petitioners is that the respondent-Nayab Tahsildar has proceeded in a manner, which is in total contravention to the basic principles of natural justice in as much as the right to cross-examine the witnesses has not been granted. In addition, Nayab Tahsildar has also showed undue haste in proceeding in the matter, particularly during this pandemic period and also during the peak monsoon season.
3. The counsel for the petitioners also submits that the respondent-authorities have proceeded in a pick and choose manner in as much as there are a large number of villagers residing in the Abadi Land for decades together. However, the proceedings have been drawn only against the petitioner on account of certain political rivalry.
4. The learned State counsel on the other hand, opposing the petition submits that the order of the Nayab Tahsildar is one, which is appealable. The petitioners instead of preferring an appeal as provided under the statute, have straightaway rushed to the High Court for ventilating their grievance.
5. Be that as it may, considering the submissions made by the learned State counsel the fact that there is a statutory order available, this Court at this juncture would direct the petitioner to prefer an appeal against the order Annexure P-1 before the

appellate authority in accordance with provisions of law. Subject to the petitioner preferring an appeal immediately within a period of fifteen days along with application for interim relief, till the appeal is decided on merits, the respondents are restrained from carrying out any coercive action/steps against the petitioner from being evicted from the said land.

6. The interim order passed by this Court would lose its efficacy, in case, if the petitioner fails to prefer an appeal promptly that is within a period of fifteen days from the date of receipt of copy of this Order.
7. It is made clear that this Court has not expressed any opinion on the merits of the case, however, it is expected that the appellate authorities shall consider all the contentions that the petitioner raises in his appeal including the fact that there being a large number of villagers residing in that village, in similar manner as the petitioner against whom no proceedings have been initiated.
8. With the aforesaid observation and direction, the present Writ Petition stands disposed off.
9. Certified Copy today.

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