

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2143 of 2020**

Vishnu Vaidya S/o Naveen Vaidya Aged About 50 Years R/o Village
Badgao, Tahsil Pakhanjur, District Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Tahsildar Pakhanjur, Dist. Uttar Baster Kanker, District Kanker, Chhattisgarh.
2. Secretary, Gram Panchayat Badgao, Distt. Uttar Bastar Kanker, District Kanker, Chhattisgarh.
3. Punu Ram Dhruw S/o Lt. Shobha Ram Aged About 52 Years R/o Village Badgao, Pakhanjur District North Bastar, Kanker, Chhattisgarh.
4. Collector North Bastar, Kanker (Chhattisgarh)

---- Respondents

For Petitioner	:	Ms. Sareena Khan, Advocate
For State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/09/2020**

1. The challenge in the present writ petition is to the order Annexure P/3 passed by the Tehsildar, Pakhanjur, District North Baster, Kanker, whereby the petitioner has been asked to remove the alleged encroachment made by the petitioner by the 10th of September, 2020 and a written intimation be provided to the Tehsildar, failing which the State Authorities would be taken appropriate action for demolishing the petitioner's house.
2. Counsel for the petitioner submits that the petitioner has been staying at the said place for last more than 30 years and the

petitioner has come into possession on the said property by way of a sale-deed executed between the petitioner and the previous Owner Shri Punuram-respondent No.3 in the present writ petition. The counsel for the petitioner further submits that the plain reading of the Annexure P/3 further reflects that the respondents intends to demolish the petitioner's house in order to construct a public toilet, which again would be to inhuman an act on the part of the respondents.

3. The State counsel at this juncture submits that Annexure P/3 is only a notice calling upon the petitioner. The petitioner can appear before the Tehsildar and appraise them of his right over the said property by filing a detailed reply supported with all relevant documents. Moreover, according to the State counsel, the petitioner does not seem to have any legal document to establish his right over the said property and it is a proceeding drawn under Section 56(2) of the Panchayat Raj Adhiniyam, 1995 for removal of the obstructions and encroachment.
4. Given the submission that the petitioner has made, this Court is of the opinion that ends of justice would meet if the petitioner is directed to approach the Tehsildar, Pakhanjur, District North Bastar, Kanker by filing a detailed reply.
5. The petitioner may also file a detailed representation in this regard to the Collector, North Bastar, Kanker apprising him of the entire development and the respondents authorities inturn are directed to take into consideration the contentions of the petitioner, the right of

the petitioner over the said property and after due consideration of the objections, so raised by the petitioner appropriate orders be passed.

6. Needless to mention that the respondents are also expected to consider whether the proposed public toilet can be shifted in other location so as to ensure that the petitioner and his family does not get disturbed. Till a decision is taken by the Tehsildar and the Collector in this regard, no coercive steps shall be taken by the respondents against the petitioner.
7. With the aforesaid observations, the present writ petition stands disposed of.
8. Certified copy tomorrow.

Sd/-
(P. Sam Koshy)
Judge

Ved