

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2248 of 2020**

Malti Sahu W/o Shri Prahlad Sahu, Aged About 41 Years, R/o Village Kosamkunda, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh
2. The Collector, District Balodabazar Bhatapara, Chhattisgarh
3. The Sub Divisional Officer, Public Works Department, Sub- Division, Bhatgaon, District Balodabazar Bhatapara, Chhattisgarh
4. The Naib Tahsildar, Bhatgaon, District Balodabazar Bhatapara, Chhattisgarh
5. The Sarpanch, Gram Panchayat, Jaitpur, Tahsil Bilaigarh, District Balodabazar Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjeev Kumar Sahu, Advocate
For State/Respondents 1 to 4	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.09.2020**

1. The grievance of the petitioner in the present writ petition seems to be the action on the part of the respondent no.5 who is alleged to have illegally encroached upon the property belonging to the petitioner and started construction of a Gram Panchayat Bhawan.

2. Contention of the learned counsel for the petitioner is that the petitioner owns the property situated in Khasra Nos. 372/2, 373/2 & 374/3 measuring 0.048 hectare at village Jaitpur, P.H. No. 32, Tahsil Bhilaigarh, District Balodabazar-Bhatapara. According to the petitioner, she has obtained the said property by way of a registered sale deed having purchased the property from one Sahodra W/o Jhanglu and the sale deed was executed on 28.03.2012 and for the last 8 years the petitioner is in possession over the said property. Further contention of the petitioner is that without any notice to the petitioner and without taking any procedure of law prescribed, the respondent no.5 has entered upon the aforesaid property and started construction of a Gram Panchayat Bhawan. According to the petitioner, she has already approached the authorities under Section 250 of the CG Land Revenue Code which till date is pending consideration.
3. Learned Additional Advocate General, at this juncture, submits that let the petitioner approach the respondent no.3 i.e. the Sub Divisional Officer by way of a detailed representation along with supporting documents and the respondent no.3 in turn may be directed to first get the property of the petitioner demarcated and then proceed in accordance with law including the application under Section 250 of CG Land Revenue Code which she has filed. State counsel referred to Annexure P-7 which is a notice issued by the SDO intimating that no construction has been carried out at the behest of the State Authorities and the construction seems to have been done only by the Gram Panchayat.
4. Given the said facts and circumstances of the case, this Court is of the

opinion that ends of justice would meet if the writ petition is disposed of at this juncture directing the petitioner to approach the respondent no.3 afresh by moving an appropriate representation along with an application for appropriate interim protection for restraining the respondents from further construction on the said land. Upon such representation being made, the respondent no.3 shall ensure immediate demarcation of the property of the petitioner is conducted and in case it is found that the property belongs to the petitioner over which construction is being made, the respondent no.3 shall pass an appropriate order in accordance with law and at least instruct the subordinate officer under the respondent no.3 to take appropriate steps under the Land Revenue Code for restoration of the property of the petitioner if she is entitled for the same. Let the petitioner approach the respondent no.3 within 10 days from today and the respondents 3 & 4 shall take appropriate steps promptly within a further period of 30 days from the date of receipt of representation of the petitioner.

5. The writ petition accordingly stands disposed of.

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