

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2304 of 2020**

Chhote Lal Jangde S/o Hari Prasad Jangde, Aged About 48 Years, R/o Village - Pamgarh, Thana And Tahsil-Pamgarh, District-Janjgir-Champa Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. The Sub-Divisional Officer (R) Pamgarh, District-Janjgir-Champa, Chhattisgarh
3. The Tahsildar Pamgarh, District-Janjgir-Champa, Chhattisgarh
4. Manoj Kumar Khare S/o Krishno Ram Khare, Aged About 48 Years, R/o Village - Pamgarh, Thana And Tahsil - Pamgarh, District-Janjgir-Champa, Chhattisgarh
5. Pari Auto Mobile Through Raju Kathe S/o Syam Kathe, Aged About 66 Years, R/o Village - Pamgarh, Thana And Tahsil - Pamgarh, District-Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Bharat Rajput, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.10.2020**

1. The challenge in the present writ petition is to the initiation of a proceeding under Section 248 of the Chhattisgarh Land Revenue Code by the Tahsildar, Pamgarh, District Janjgir-Champa.

2. Counsel for the petitioner submits that the petitioner is making some renovation of his old house at the private property owned by the petitioner himself. However, on a complaint by some political rival, the respondent no.3 has illegally registered a case under Section 248 of the Chhattisgarh Land Revenue Code and started a proceeding on the same which is per se illegal and bad and the same deserves to be set aside/quashed.
3. The contention of the petitioner is that he has raised certain preliminary objections; firstly in respect of the maintainability of the complaint and secondly in respect of the registration of the said case under section 248 of CG Land Revenue Code. According to the petitioner, he has also specifically mentioned before the Tahsildar that the property which is in his possession is a private property exclusively owned by him and that it is not an encroachment on a government land whatsoever.
4. On perusal of the documents enclosed along with the writ petition would show that the last proceeding drawn by the Tahsildar, as is available in the writ petition, is the order sheet dated 07.09.2020 which specifically reflects that the proceedings have been drawn for calling upon the reply of the opposite party to the preliminary objections and submissions made by the petitioner.
5. Given the fact that the authority is already seized of the matter and that the petitioner's preliminary submissions and objections have been accepted and copy has been served to other side to file their response, it appears that the matter is being dealt with by the Tahsildar in accordance with law particularly on the submissions so made by the petitioner. Therefore, at this stage, it would not be proper for this Court

to exercise its power of judicial review and interfere with the proceedings initiated by the Tahsildar. This Court therefore is reluctant to entertain the present writ petition.

6. However, it is ordered that the respondent No.3 Tahsildar is expected to take a decision purely in accordance with law and while deciding the same, the respondent no.3 shall consider the submissions made by the petitioner and also consider and decide the preliminary objection that the petitioner has raised in respect of the maintainability of the case itself so also the locus of the complainant. It is also expected that the respondent no.3 shall give a fair and reasonable opportunity to the petitioner before passing any order in the case of the petitioner.
7. Counsel for the petitioner at this juncture submits that similar proceedings were also drawn against the respondent no.5 but for reasons best known, the said proceedings have subsequently been dropped. This aspect would also be borne in mind by the respondent no.3 while taking a decision in the case of the petitioner.
8. With the aforesaid observation, the writ petitioner stands disposed of.

Sd/-
P. Sam Koshy
Judge