

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2855 of 2020**

- Lakhan Lal Chandra S/o Nanki Ram Chandra, Aged About 51 Years R/o Belhabhata (Belhadih), Tahsil Malkharod, District Janjgir Champa Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Collector, District Janjgir Champa Chhattisgarh
3. Sub Divisional Officer, Shakti, District Janjgir Champa Chhattisgarh,
4. Tahsildar, Malkharod, District Janjgir Champa Chhattisgarh,
5. Jagat Das, S/o Shitaldas Chandra
6. Satandas, S/o Shitaldas Chandra
7. Guru Bhakt, S/o Sukratdas Chandra
8. Bhagat, S/o Sukratdas Chandra

Respondents No. 5 to 8 are R/o Belhabhata (Belhadih), Tahsil Malkharod, District Janjgir Champa Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. Yogesh Chandra, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2020

1. Heard.
2. The present writ petition has been filed by the petitioner against the impugned order dated 21.07.2020 (Annexure P/1) passed by the Tehsildar Malkharod Distt. Janjgir-Champa.

3. Learned counsel for the petitioner submits that initially the complaint having been filed before the Tehsiladar. The report was asked for as to whether the land on which the construction is carried out is a private land or a government land, however without taking any permission from the higher authorities, the Tehsildar had vacated the stay. The impugned order Annexure P/1 would show that on 16.07.2020 the Tehsildar had asked for the report from the Patwari as to the nature of construction which was being made whether was the private land or the government land. Subsequently, the report as per the order sheet dated 21.07.2020, the report was received from the Revenue Inspector specifying that the construction was made on a private land.
4. since the disputed question of facts are involved as to whether the land belong is a private land or not and if so prima facie it has been reported that it is a private land the petitioner can very well seek a remedy before the competent civil Court this issue cannot be gone in exercise of power under Article 226 of the Constitution of India.
5. With the aforesaid direction/ observation, the writ petition stands disposed off.

sd/-
Goutam Bhaduri
Judge