

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2640 OF 2020**

Ramphal Sahu, S/o Shri Ghisuram, aged about 70 years, Caste- Teli, R/o Nawapara, Surajpur, Tahsil & District Surajpur (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through its Secretary, Department of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Collector, Surajpur, District Surajpur (CG)
3. Sub Divisional Officer (Revenue), Surajpur, District Surajpur (CG)
4. Tahsildar, Surajpur, District Surajpur (CG)
5. Nand Ji Pandey, posted as Tahsildar, Surajpur, District Surajpur (CG)

... Respondent(s)

For Petitioner	:	Mr. Surfaraj Khan, Advocate.
For Respondents/State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

05.11.2020

1. Grievance of the Petitioner in the present Writ Petition is to the Order passed by Respondent No.4 on 29.10.2020 (Annexure P-1) whereby Respondent No.4 has passed an order under Section 248 of the Chhattisgarh Land Revenue Code directing the Petitioner to remove illegal encroachment that he has made on the government land.
2. Learned Counsel for Petitioner submits that the reason that the Petitioner has rushed to the Court is that there are instructions to Respondent No.4 in ensuring that the entire construction carried out by the Petitioner, alleged to be an encroachment, should be demolished immediately. Learned Counsel for Petitioner also apprehends that the Petitioner would also not be granted any opportunity of hearing.
3. Be that as it may, since the Order passed by Respondent No.4 is an appealable order under the provisions of the Chhattisgarh Land Revenue Code, this Court is not inclined to enter into the merits of the case at this juncture.

4. Accordingly, the present Writ Petition is disposed of directing the Petitioner to prefer an appeal before the Appellate Authority within a period of seven days from today. The appeal shall also be accompanied with an application for grant of interim protection.

5. Till the application for grant of interim protection is taken up for hearing by the Appellate Authority, the Respondents are restrained from taking any coercive steps for compliance of the Order dated 29.10.2020 (Annexure P-1).

6. Meanwhile, the Petitioner also is directed not to carry out any further construction activities in the said land.

7. Petitioner, if he has filed any certified copy, submitting a photocopy of the same he shall be entitled for return of the certified copy.

8. Writ Petition accordingly stands disposed of with the aforesaid direction/observation.

Certified Copy be released today itself.

Sd/-
(P. Sam Koshy)
Judge

/Sharad/