

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2959 of 2020**

1. Ramdas S/o Late Padu Aged About 68 Years R/o Village Jatara P.S. And Tahsil Balrampur District Balrampur Ramanujanj Chhattisgarh
2. Chandraketu S/o Late Padu Aged About 70 Years R/o Village Jatara P.S. And Tahsil Balrampur District Balrampur Ramanujanj Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. The Collector Balrampur District Balrampur Ramanujanj Chhattisgarh
4. Tahsildar, Balrampur, District Balrampur Ramanujanj Chhattisgarh
5. Chief Executive Officer, Zila Panchayat Balrampur, District Balrampur Ramanujanj Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat Balrampur, District Balrampur Ramanujanj Chhattisgarh
7. The Secretary Of Gram Panchayat Jatara Janpad Panchayat Balrampur, District Balrampur Ramanujanj Chhattisgarh

---- Respondents

For Petitioners : Shri A.N. Pandey, Advocate

For Respondents/State : Shri Gagan Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****27/11/2020**

1. Heard.
2. Learned counsel for the petitioners submit that the petitioners' land was wrongly recorded after settlement in the revenue record as Government land. subsequently the petitioners filed an application for correction of the same and the cognizance was taken by the Tehsildar vide Annexure P-5 dated 19.07.2020

and publication has been made inviting objection if any in a routine manner. It is stated that taking advantage of the said situation, the respondents No.5, 6 & 7 started construction of Anganbadi building on the said land which actually belongs to the petitioners but inadvertently was recorded in the revenue record as government land. He would further submit that since the proceeding is already pending before the Tehsildar, therefore, if the construction is completed, then petitioners shall be deprived of their proprietorship right on the land.

3. Perused the documents. Perusal of the documents would show that the petitioners have already filed an application under Section 115 of the C.G. Land Revenue Code for correction of the name/entry in the revenue record. The tehsildar on such application being filed has taken cognizance and has issued notices and the objections have been invited. The photographs would reveal that some small little excavation is made which is in the nascent stage. Therefore, to avoid the multiplicity of the proceedings and further litigation, it is directed that the Tehsildar shall decide the application of the petitioner preferred under Section 115 of the C.G. Land Revenue Code as early as possible and till the said application is decided the respondents No.5 to 7 shall not carryout further construction over the land in question as it may lead to multiplicity of the proceeding.

4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu