

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 138 of 2021**

- Ganeshari Bai Wd/o Late Shri Chaitram Aged About 75 Years R/o Village Dhardei Tahsil Patharia, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Mungeli, District Mungeli Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli, Chhattisgarh
3. The Sub Divisional Officer Pathariya, District Mungeli, Chhattisgarh
4. The Tahsildar Pathariya, Tah. Pathariya, District Mungeli, Chhattisgarh
5. The Chief Executive Officer Janpad Panchayat Pathariya, District Mungeli, Chhattisgarh

---- Respondents

For Petitioner : Shri Manoj Kumar Sinha, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****15/01/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the instant petition is against the order dated 23.11.2020 passed by the Collector Mungeli whereby the application submitted by the petitioner against the construction of road has been rejected. He would further submit that the petitioner claims that a MGNREGA road is being constructed over the land which is owned by the

petitioner bearing Khasra No.79/9 admeasuring 2.11 acres at village Dhardei and according to the scheme of the MGNREGA, the construction are to be carried out in an undisputed land/government land and in case any dispute arises, it should be stopped. He would further submit that the report of the Patwari which was given on 07.09.2020 clause (6) thereof would show that certain approach road (pathway) exist there, however, the Collector has failed to take into account the said fact, consequently, the road has been constructed over the land of the petitioner.

3. Per contra, learned State counsel would submit that as per the report of the Tehsildar dated 11.11.2020 with the construction of the MGNREGA road the holding of the petitioner has not been disturbed. The reference is made to Annexure P-12 dated 11.11.2020 by the office of the Tehsildar, Patharia, district Mungeli, therefore, no relief can be granted to the petitioner.
4. I have heard learned counsel for the parties and perused the documents.
5. Perusal of the order of the Collector records that with the construction of the MGNREGA road the holding of the petitioner has not been disturbed. The report of the Tehsildar dated 11.11.2020 (Annexure P-12) also purport the same fact. The report shows that the petitioner is the owner of Khasra No.79/9 admeasuring 2.11 acres at village Dhardei PC No.22, Tehsil Patharia. If according to the State, the land of the petitioner has not been used for construction of MGNREGA road then in such case, the petitioner shall not be deemed to be affected party, however, in order to ascertain the same, whether the petitioner is in possession of 2.11 acres of the land of Khasra No.79/9 in the said village is to be ascertained, which cannot be camouflaged that certain pathway since was existing and holding of to the extent 2.11 Acre has not been

disturbed.

6. Under the circumstances, the Tehsildar is directed to demarcate the land of the petitioner to the extent of 2.11 acres of Khasra No.79/9 at village Dhardei PC No.22 and shall provide the copy of the same to the petitioner along with the field map. The said exercise shall be carried out within a period of 60 days from the date of receipt of the copy of this order and if it is found that the land of the petitioner is enveloped for construction of road, the legal consequence would follow.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu