

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 88 of 2021

1. Mangu Singh S/o Shri Deep Singh Aged About 40 Years R/o Behind Shri Hariom Bikaneri Sweets, Old Bus Stand, Nayak Bandha, Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh.
2. Prakash Singh S/o Late Maisu Singh Aged About 37 Years R/o Behind Shri Hariom Bikaneri Sweets, Old Bus Stand, Nayak Bandha, Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh.

--- Petitioners

Versus

1. State of Chhattisgarh Through Its Principle Secretary, Panchayat And Rural Development Department Mahanadi Bhawan, Atal Nagar, Naya Raipur, Tahsil And District Raipur Chhattisgarh.
2. Nagar Panchayat Abhanpur Through Its Chief Municipal Officer Nagar Panchayat Office Abhanpur, National Highway 43, Near Police Station Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh. Pin 493661.

--- Respondents

For the petitioners :	Mr. Surya Pratap Advocate
For the State :	Mr. Avinash Singh, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2021

1. The present writ petition is filed against the notice dated 30.12.2020 (Annexure P-1) whereby the petitioners have been asked to remove the encroachment over the government land or otherwise the illegal construction would be removed.
2. Learned counsel for the petitioners would submit that the petitioners are the occupants of Abadi land bearing Kh.No.760/2 and the petitioners have not encroached upon any government land and the tax has been paid in the year 2018 to 2020 about the rent of such Abadi Land. Therefore, the demolition as has been asked for may be stayed.
3. A perusal of the document Panchshala Khasra shows that the names

of the petitioners are not recorded as the allottees of the Abadi land. The notice purports that the petitioners are shown to have encroached the government land. Prior to the final notice dated 30.12.2020 (Annexure P-1), earlier two notices were also served on 03.12.2020 & 08.12.2020 wherein similar contents have been stated. Since no document exists in respect of allotment of Abadi land in favour of the petitioners and as the petitioners claim that they are in possession of Abadi land for which taxes have been paid, it can only be ascertained by necessary demarcation and verification of documents. Two tax receipts have been placed on record issued by the Nagar Panchayat, Abhanpur.

4. Under the circumstances, respondent no.2 is directed to demarcate the government land on which the construction is sought to be made and shall also consider the case of the petitioners as to whether the tax was paid for occupation of the superstructure and the Abadi land. Thereafter after due verification of the documents and demarcation respondent no.2 shall arrive at the conclusion by a speaking order. In the meanwhile, till such conclusion is arrived at, the petitioners shall not be removed by any forcible dispossession and the enquiry may be conducted within a further period of 60 days from the date of receipt of this order. If the petitioners feel aggrieved by the decision taken by the respondent No.2, they shall also be at liberty to challenge the same before the appropriate civil competent Court.
5. With the above observation/direction, this writ petition stands finally disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**