

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 374 of 2021**

1. Kailashpati Pandey S/o Lt. Wachaspati Pandey Aged About 45 Years
2. Mahaveer Prasad Pandey S/o Wachaspati Pandey Aged About 40 Years
3. Lalima Tiwari D/o Wachaspati Pandey Aged About 37 Years

All R/o Village- Rumgara, Tehsil And Distt.- Korba (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Secretary, Revenue Department, Mahanadi Bhawan, Raipur (Chhattisgarh)
2. Collector Distt. Korba (Chhattisgarh)
3. Nayab Tehsildar Distt. Korba (Chhattisgarh)
4. Bajrang Pulstha S/o Lt. Ganesh Singh Aged About 50 Years Occupation- Patwari, Halka No. 15, Village- Rumgara, Tehsil And Distt. Korba (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Vivek Kumar Tripathi, Advocate
For Respondent/ State	:	Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.02.2021

Heard.

1. Learned counsel for the petitioner would submit that the proceedings under Section 248 for removal of encroachment has been commenced against the petitioner by the Tahsildar. It is further submitted that though by order dated 09.11.2020, the case was fixed for evidence of the Patwari and others However, subsequent order sheet dated 04.12.2020, would show that the case has been fixed for non applicant evidence and no chance has been given to parties to prove their case.

2. Perusal of order sheet dated 09.11.2020 would show that already the case was fixed for recording evidence of Patwari and non applicants. Therefore, in view of the same, it is directed that Tahsildar shall abide by its order dated 09.11.2020 and shall give the parties proper opportunities to lead evidence and thereafter shall pass the order.
3. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti