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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 173 of 2021**

- Hirawan S/o Late Buddhu Verma Aged About 56 Years R/o Village Pircha Bajguda, Post Dokrabhatha, Police Station, Chhuikhadan, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Chief Secretary, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Chhattisgarh
2. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh
3. The Chief Executive Officer District Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Khairagarh District Rajnandgaon Chhattisgarh
5. The Sub Divisional Officer (Revenue) Khairagarh, District Rajnandgaon, Chhattisgarh
6. The Tahsildar Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
7. The Sarpanch Village Bajguda, Post Dokrabhatha, Police Station Chhuikhadan, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****20.01.2021**

1. Heard
2. The present writ petition has been filed by the petitioner against the notice dated 05.08.2020 (Annexure P/1) wherein the petitioner has been asked to

remove certain encroachment.

3. Learned counsel for the petitioner submits that Gram Panchayat do not have the power to issue such notice as they have to come through the proper forum as the application is required to be made to Tehsildar under Section 56 Subsection 2 of the Chhattisgarh Panchayat Raj Adhiniyam 1993 (henceforth 'the Act 1993') and proviso clause bars such exercise of power.
4. Reading of Subsection 2 of Section 56 of the Act 1993 would show that the Gram Panchayat has been given the power to remove the obstruction on the Government land or the other land not being a private property. The tenure of the notice dated 05.08.2020 would show that the allegations have been attributed that the petitioner has encroached upon the government land therefore the notices have been issued. Plain reading of the Subsection 2 of the Section 56 of the Act 1993 do not bar the Gram Panchayat to remove the encroachment, therefore no illegality can be attributed in issuing such order.
5. The writ petition is devoid of all merits and is hereby dismissed.

sd/-
(Goutam Bhaduri)
Judge