

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 148 of 2021

Arun Kumar Keshri, S/o. Radheshyam Keshri, Aged About 55 Years, R/o. Ramanujganj, Ward No.6, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Chief Municipal Officer, Nagar Panchayat, Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh.
3. The Tahsildar, Ramanujganj, District Balrampur - Ramanujganj Chhattisgarh.
4. The Nazul Officer, Ramanujganj, District - Balrampur - Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner : Mr. Rahul Mishra, Advocate

For State : Mr. Gagan Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2021

Heard

1. Challenge in this petition is to the notice dated 02.01.2021 (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been served the impugned notice whereby it has been stated that the petitioner has encroached upon the part of land bearing khasra No.536/1, therefore, he is required to file his reply and in absence the exparte order would be passed. He further submits that in respect of khasra No.536/1 admeasuring 0.01 $\frac{3}{4}$ already the other department of the Government has arrived at a decision that the settlement be made on payment of an amount of Rs.3,15,457/- whereas in respect of the same land, the

petitioner has been served with a notice to vacate the land; therefore, the same may be quashed.

3. Perusal of the documents would show that the notice Annexure P-1 is in respect of the land situate behind the shop and the allegations are that the petitioner has encroached upon the part of the land. The settlement which has been ordered for on payment of the amount is under the consideration of the authorities whether both the land for which the notice has been served and the settlement has been proposed are one and same are to be ascertained after due enquiry. Therefore, the Tahsildar, Ramanujganj, District Balrampur-Ramanujganj pursuant to the notice dated 02.01.2021 shall hold an enquiry and ascertained the facts and thereafter shall pass the suitable orders. The authority shall also enquire whether the possession is over and above the proposed allotment or it is in addition to it further encroachment is made. Till the said decisions are made, no forceful dispossession or demolition be carried out in respect of the subject property.
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks