

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 388 of 2020

Narayan Prasad Gayakwad, S/o. Nanakchand Gayakwad, aged about 43 years, R/o. Village Murmunda, Police Station Nandani Nagar, Tahsil Dhamdha, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Secretary, Revenue Department Mantralaya, Mahanadi Bhawan, Raipur, District Raipur Chhattisgarh.
2. Collector, Durg. District Durg Chhattisgarh.
3. Sub Divisional Officer, Tahsil Dhamdha, District Durg Chhattisgarh.
4. Tahsildar Dhamdha, District Durg Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Rudra Nath Mukherjee, Advocate
For Respondents-State	: Mr. Pawan Kesharwani, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/11/2021

1. It is submitted by the learned counsel for the petitioner that the petitioner had earlier filed W.P.(C) No. 141 of 2017 on this ground that the government land has been encroached upon by the private respondents in that case. This Court vide order dated 19.01.2017 ordered that the Collector, Durg shall depute S.D.O.(Revenue) to conduct investigation and submit report regarding encroachment of government land at village – Murmunda, Tahsil – Dhamdha, District – Durg and thereafter on the basis of such report, the appropriate authority shall initiate steps for removal of encroachment if any. It is submitted that the respondents

No.2 and 3 have not made any compliance of the order of this Court in W.P.(C) No. 141 of 2017, therefore, appropriate orders be passed.

2. Learned State counsel representing all the respondents opposes the submissions and submits that the petitioner is not entitled for any relief in this petition. Relying on the order of this Court in W.P.(C) No. 756 of 2021, dated 28.02.2020, it is submitted that the order in W.P.(C) No.141 of 2017, was passed on 19.01.2017 and the time limit fixed in that order for compliance of the of the direction was four months. Subsequent to which, this petition has been filed after long delay without any explanation of the delay, therefore, this petition is not fit to be entertained.
3. I have heard the learned counsel for the parties and perused the documents placed on record.
4. The petitioner has come forward as whistleblower although he has no personal interest. The earlier petition filed was disposed off with direction, therefore, the respondent No.2 and 3 were obliged to comply with the direction. At present there is no such information or report as to whether the order dated 19.01.2017, passed in W.P.(C) No. 141 of 2017 has been complied with or not, therefore, this petition is disposed off. The respondent No.2 and 3 are directed that in case, the order passed by this Court in W.P.(C) No. 141 of 2017 has not been complied with so far, then the same order be again taken up for compliance. The investigation as ordered in W.P.(C) No. 141 of 2017 shall be made and report be submitted within the period of four months from today. In case any encroachment is found in the government land, then the respondent No.1 and 2 shall take necessary steps to initiate proceeding for removal of illegal encroachment of the parties concerned in accordance with the law.

5. With these observations, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram