

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 1107 of 2021

Janku Ram Sahu, S/o. Late Lakhan Lal Sahu, Aged About 59 Years, R/o.
Ward No. 14, Shankar Nagar, Nawagarh, District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchyat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The Collector Bemetara, District Bemetara Chhattisgarh
3. The Sub Divisional Officer (Revenue) District Bemetara Chhattisgarh
4. The Chief Municipal Officer, Nagar Panchyat, Nawagarh District Bemetara Chhattisgarh
5. The Tahsildar, Nawagarh, District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anil S. Pandey, Advocate
For State Respondents	:	Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.02.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was served with a letter dated 02.02.2021 (Annexure P-1) on a complaint of one Dhalchand Kurre wherein it was stated that the petitioner has kept the bricks, tiles and ballast etc. over the land of Dhalchand Kurre which is bearing Khasra No.2462/3 admeasuring 1500 sq.ft. It is stated that the Dhalchand is relative of the C.M.O., Nagar Panchayat Nawagarh and petitioner is the owner of land bearing Khasra No.2460/2 wherein his house situates and since in the adjacent land Dhalchand Kurre has constructed the house, therefore, the petitioner has been asked to remove his goods and house from the said land 2462/3. He further submits that the petitioner has not kept any such material over the land bearing Khasra No.2462/3 and in order to facilitate the relative, the C.M.O. has served the said letter.

2. Perusal of the documents shows that the petitioner is owner of the land bearing Khasra No.2460/2 and he is holding the same as Bhoomiswami right. If one Dhalchand is the owner of Khasra No.2462/3 and complaint has been made that someone has kept the bricks, tiles and ballast over the land Khasra No.2462/3 under what authority C.M.O. has issued such direction is not clear as C.M.O. is obliged to act in accordance with law. Furthermore, the petitioner since has stated that he has not kept in such material over the land bearing Khasra No.2462/3, therefore, the petitioner cannot be forcefully evicted or his property be demolished, which is situated over the Khasra No.2460/2 otherwise than in due course of law.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks