

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1399 of 2021

Pravesh Kumar Pandey @ Parivesh Kumar Pandey S/o Late Kanhaiya Lal
Pandey Aged About 25 Years R/o Village Kauhakunda, Tahsil Raigarh P. S.
Chakradharnagar, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Estate
Department, Mahanadi Bhawan Mantralaya, Raipur (C.G.)
2. Collector, Raigarh District Raigarh Chhattisgarh
3. Tahsildar Raigarh Tahsil Raigarh District Raigarh Chhattisgarh

---- Respondents

For petitioner – Ms. Soniya Kuldeep, Advocate.

For State- Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

09/03/2021

Heard.

1. Learned counsel for the petitioner would submit that the petitioner has encroached over land admeasuring 1457 sq.ft which is part of khasra No.15/1 at village Kauhakunda Tahsil Raigarh. She would submit that earlier the petitioner has filed an application for settlement of the said land in his favour, that application was dismissed on the ground that the petitioner has encroached upon the land admeasuring 1457 sq.ft. It is further submitted that recently the policy has been promulgated by State on 11th September, 2019 wherein government lands have been directed to be settled in favour of the encroacher who are in possession prior to 20th August, 2017, therefore the petitioner has made an application to the District Collector, Raigarh that he is also ready and willing to abide by the policy of the State Government and is ready to pay the amount as per the policy of the State

Government, therefore that may be decided and settled in his favour.

2. Learned State counsel would submit that settlement can only be done according to the direction which are contained in the revenue book circular. She would further submit that the policy Annexure P-1 is under challenge before the division bench.

3. Considering the policy as promulgated by the State Government dated 11th September, 2019 Annexure P-1 which purports that the persons who are encroacher of the government land same can be settled in favour of the persons after payment of certain amount according to the revenue book circular, if the policy has been so slated by the government, then each individual can claim the benefit. Under the circumstances, since the petitioner has been branded as an encroacher and if he has encroached prior to the 20th August 2017 in respect of the government land then the application of the petitioner is required to be considered. The document shows that the petitioner has already made an application to the Collector, Raigarh to settle the nazul land in his favour. Reading of the same with the policy, the Collector, Raigarh is directed to decide the application of the petitioner pursuant to the policy of the State dated 11th September, 2019 in accordance with the policy. In the meanwhile, it is directed that till such application of settlement are decided, the petitioner shall not be forcefully evicted from the premises in question.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

