

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 1423 of 2021

1. Shivlochan Singh S/o Late Bigu Aged About 70 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
2. Sundar Sai Singh S/o Late Bigu Aged About 50 Years R/o Village Tangarmahari P.S. and Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
3. Luxman Singh S/o Late Hulas Singh Aged About 62 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
4. Tilakdhari Singh, S/o Late Bigu Aged About 62 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
5. Shivprasad S/o Heeramani Aged About 45 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
6. Ramdhari Singh S/o Late Bigu Singh Aged About 52 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
7. Ishwar Prasad Singh S/o Arjun Singh Aged About 40 Years R/o Village Tangarmahari P.S. And Tahsil Balrampur District Balrampur Ramanujganj (Chhattisgarh).
--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
2. The Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan New Raipur District Raipur Chhattisgarh.
3. The Collector, Balrampur District Balrampur Ramanujganj Chhattisgarh.
4. Sub Divisional Officer (Revenue) Ramanujganj District Balrampur Ramanujganj Chhattisgarh.
5. Tahsildar Balrampur District Balrampur Ramanujganj Chhattisgarh.
6. Chief Executive Officer, Zila Panchayat Balrampur District Balrampur Chhattisgarh.
7. Chief Executive Officer, Janpad Panchayat Balrampur, District Balrampur Ramanujganj Chhattisgarh.
8. Gram Panchayat Tangarmahari Through The Secretary Gram Panchayat Tangarmahari, District Balrampur Ramanujganj (Chhattisgarh).
--- **Respondents**

For the Petitioner	: Mr. A. N. Pandey, Advocate
For the State	: Mr. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.03.2021

1. Learned counsel for the petitioners submits that the construction of cattle-shed (*Gothan*) over the land bearing Khasra No.231 was sanctioned for the village Tangarmahari, Distt. Balrampur Ramanujganj vide sanction order Annexure P-4 dated 19.11.2020. However, the executing agencies have shifted the venue of construction from Khasra No.231 to Khasra No.850, 845 & 848 wherein the petitioners are in possession and enjoyment for a long time. It is stated that to grant a lease rights, the proceedings are pending with the respondents to bestow them with lease hold under the Van Adhikar Patta. Learned counsel therefore submits that the place on which sanction was made to construct cattle-shed (*Gothan*) could not be shifted on the will of executing agencies i.e., Chief Executive Officer, Zila Panchayat, Balrampur, Chief Executive Officer Janpad Panchayat, Balrampur & the Gram Panchayat Tangarmahari, respondents 6 to 8 herein.
2. A perusal of the documents annexed to the petition would show that as per the order dated 19.11.2020, the construction of cattle-shed was sanctioned for Gram Panchayat Tangamahari over the land bearing Khasra No.231. The document also shows that the petitioners have filed an application to show that certain proceedings going on in respect of grant of lease rights of forest land in respect

of Kh.nos. 850, 845 & 848 and if against the sanctioned area, the venue of the cattle-shed is shifted to the place wherein, as contended, the petitioners are in occupation of the said lands for the last 45 years and certain proceedings are going on, the rights of the petitioners shall be adversely affected and jeopardized.

3. Taking into consideration the fact that the sanction was for construction of Gothan over land bearing Kh.No.231 and in order to avoid the controversy, no purpose would be served to keep this petition pending, as such, it is directed that respondents 4 & 5 ie., Sub-Divisional Officer (Revenue), Ramanujganj and Tahsildar, Balrampur shall demarcate the land of Khasra No.231, which was selected for construction of cattle-shed by order dated 19.11.2020 and shall also demarcate the land bearing Khasra No.850, 845 & 848 wherein the petitioners are said to be in occupation for the last 45 years for which proceedings are going on to grant the lease rights of forest land and thereafter shall carry out further construction on the sanctioned earmarked place of land.
4. Therefore, it is directed the proposed construction over the lands of the petitioners in question shall not be carried out till the process of demarcation is carried out.
5. With the above observations/direction, this writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**