

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1908 of 2021

- Jaswant Singh Thakur S/o Late Shri Ramji Singh Thakur, Aged About 58 Years
R/o Ward No.14, Sankar Nagar Nawagarh, Tahsil - Nawagarh, District -
Bemetara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - Secretary Panchayat And Rural Development,
Mahanadi Bhavan, Atal Nagar, Nawa Raipur, District - Raipur Chhattisgarh
2. Gram Panchayat Thengabhath, Through Secretary, Tahsil - Nawagarh, District -
Bemetara Chhattisgarh
3. Luttam Sahu W/o Vijay Sahu @ Munna, Aged About 40 Years Sarpanch Gram
Panchayat Thengabhath, Village - Thengabhath, Tahsil - Nawagarh, District -
Bemetara Chhattisgarh
4. Vijay Sahu @ Munna S/o Faguram Sahu Aged About 45 Years R/o Village -
Thengabhath, Tahsil - Nawagarh, District - Bemetara Chhattisgarh
5. Tahsildar, Nawagarh, District - Bemetara Chhattisgarh
6. Collector, Bemetara, District - Bemetara Chhattisgarh
7. Chhattisgarh Medical Service Corporation Limited, Through Managing Director,
Chhattisgarh Housing Board Commercial Complex (North West Corner), Sector
- 27, Atal Nagar, Nawa Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Devesh G. Kela, Advocate
For Respondents/State	:	Ms. Sunita Jain, GA
For Respondent No.7	:	Shri Animesh Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2021

1. Heard.
2. The grievance of the petitioner is that due to malafide act of the Gram Panchayat and the Sarpanch i.e. the respondents No.3 to 4 a Sub-Health Centre is being constructed in front of the house of the petitioner though the earmarked area of the Sub-Health Centre is at Khasra No.350 & 351 for which the demarcation was also carried out. It is stated that the construction of the Sub-Health Centre in front of the house of the petitioner is completely illegal as because of the construction of the Sub-Health Centre in front of the house of the petitioner, the health of the petitioner would be compromised as the family members would be exposed to hazardous infections.
3. Petitioner certainly is not the owner of the land on which the construction is being carried out by the State. If the construction is being carried out on the place other than the earmarked place, it is for the State authorities to take cognizance of it. The petitioner not being the owner of the said land on which the construction is going to be made then what right of the petitioner is infringed is not been established. The petitioner would be at liberty to avail the remedy under the common law.
4. Accordingly, the petition sans merit is liable to be and is hereby dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu