

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 2252 of 2021

1. Tameshwar Sahu, S/o. Dujram Sahu, Aged About 32 Years.
2. Maniram Sahu, S/o. Dujram Sahu, Aged About 22 Years.
3. Nemichand Sahu, S/o. Dujram Sahu, Aged About 20 Years.

All R/o. Village- Dhaurabhatha, Tehsil- Palari, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, District Raipur (Chhattisgarh)
2. Collector, Balodabazar-Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
3. Naib Tehsildar, Balodabazar-Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
4. Sarpanch, Gram Panchayat, Village- Dhaurabhatha, Tehsil- Palari, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Shobhit Koshta, Advocate
For Respondents/State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

15.06.2021

Heard

1. Challenge in this petition is to the notice dated 25.03.2021 on the ground that the Naib Tahsildar has issued certain notice to the petitioners for which the Naib Tahsildar do not have a jurisdiction. He would submit that admittedly on the earlier occasion, it has been established that the petitioners are the owner of the subject land, however, subsequently again the application having been filed by few of the villagers that it is an easementary land (Nistari Land), again the proceeding has been commenced and the Naib Tahsildar has issued notice Annexure P-5 dated 25.03.2021, which is without jurisdiction.

2. Learned State counsel in turn would submit that the notice is not for ejectment, it is only to stop raising construction over the disputed land and the petitioner may go and file reply before the Naib Tahsildar.
3. Learned counsel for the petitioners would submit that the petitioners are not raising any construction over the disputed land, they have only using the land for storage of the sand.
4. Considering the submission of the petitioners that the land is used for storage of sand and no construction has been made, the petitioners may approach to the S.D.O. within 30 days from today, if they wish to challenge the issuance of notice dated 25.03.2021. Under the Land Revenue Code, against the order of the Naib Tahsildar, under Section 44 the appeal would lie to the appropriate authority. Since the petitioners have already submitted that no construction are being raised, as such, the notice of the Naib Tahsildar dated 25.03.2021 to stop the construction would be of no consequence.
5. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks