

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 3126 of 2021

Dileshwar Sidar, Son Of Maniram Sidar, Aged About 33 Years, R/o. Village Sursi, Post Salhe, Police Station And Tahsil Dabhra, District Janjgir-Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh)
2. Collector, District Janjgir-Champa (Chhattisgarh)
3. Sub Divisional Officer, Revenue, Dabhra, District Janjgir-Champa (Chhattisgarh)
4. Tahsildar, Dabhra, District Janjgir-Champa (Chhattisgarh)
5. Nayab Tahsildar, Chandrapur, Tahsil Dabhra, District Janjgir-Champa (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ishwar Jaiswal, Advocate
For State/Respondents	:	Mr. Anmol Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

04.08.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner is in occupation of a land bearing Khasra No.293/1/A admeasuring 2 acres at village Sursi, Post Salhe, District Janjgir-Champa. It is contended that the petitioner had filed an application for settlement of the land and to declare it as *abadi* as the *abadi* land which situates in the area is not sufficient. Therefore, the Collector may be directed to decide the application of the petitioner as per Section 243 of the C.G. Land Revenue Code, 1959.
2. The submission and the documents of the petitioner would show that the petitioner is a rank encroacher. Section 243 of the Land Revenue Code do not give any space to a rank encroacher to ask for settlement of the land in his favour or mandate the Collector on application to consider and declared the government land to be *abadi*. It is the Collector and sole discretion is vested with him that if the *abadi* land in an area in the opinion of the Collector is

insufficient, he may reserve such further area from the unoccupied land in the village as he may thinks fit. Therefore, in any case the petitioner cannot get the benefit of the definition wherein reliance is placed.

3. In the instant petition of the like nature, the Court cannot give a direction as otherwise the person would occupy the government land and would ask the State Government/ Collector to declare the same as *abadi*. The possession of a particular person may also be a disputed one. Therefore, I am not inclined to entertain this petition and accordingly, it is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks