

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3571 of 2021**

- Jayant Kumar Bhoi S/o Late Shri Salikram Bhoi, Aged About 51 Years Working As Farmer, R/o Village Khamharpali, Tahsil Saraipali, District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, P.O. Rakhi, District Raipur Chhattisgarh
2. The District Collector, District Mahasamund Chhattisgarh
3. The Sub Divisional Officer, S.D.O. (Revenue) Tahsil Saraipali, District Mahasamund Chhattisgarh
4. The Tahsildar, Tahsil Saraipali, District Mahasamund Chhattisgarh
5. Uttar Kumar Bhoi, S/o Malikram Bhoi, Aged About 55 Years Working As Government Teacher R/o Village Khamharpali, Tahsil Saraipali, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner : Shri Sameer Behar, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****03/09/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner through his predecessor hold the land bearing Khasra No.689/5 at village Khamharpali, PC No.35, Tehsil Saraipali. He would further submit that adjacent to the land of the

petitioner, the government land situates which bears Khasra No.692/1 and 692/2. It is contended that respondent No.5 Uttar Kumar Bhoi has encroached upon such land and has covered the land by barbed wires, resulting into that the petitioner is not able to approach his land to carryout the agriculture. It is submitted that father of the petitioner initially made a complaint to the various authorities from 2016 onwards but nothing transpired which would be evident from Annexures P-1, P-2, P-3, P-4 and P-5 and his father died on 15.11.2019. Thereafter, the petitioner pursued the issue and for the first time on 02.08.2016, the proceeding was opened by the Tehsildar vide Annexure P-7 in Revenue Case No.27/2016-17. In the said proceeding the different reports were called for and the Panchnama was also prepared and the Patwari and other revenue authorities after carrying out the physical verification found that respondent No.5 has encroached upon the government land and has closed it by barbed wires. He refers to various reports of the Patwari and would submit that despite the considerable period has passed and the revenue authorities having affirmed the fact that respondent No.5 has encroached upon the government land, the revenue case is still pending, therefore, the Tehsildar may be directed to conclude the proceeding as early as possible taking into the nature of allegation and the report filed by revenue officers.

3. Learned State counsel, as per instructions, would submit that now the case is fixed for 04.09.2021 before revenue Court.
4. Having perused the documents, it appears that initially the father of the petitioner who pursued the matter breathed his last. The issue was not concluded. Subsequently, the proceeding has been carried out at the behest of

the petitioner and still it is pending. The reports of the different revenue authorities about the status of the land of which the complaint is made that respondent has encroached upon the land are on record. Taking into the fact that initial proceeding before the Tehsildar commenced on 02.08.2016 and till date it is pending, therefore, it is directed that the Tehsildar i.e. the respondent No.4 shall conclude the proceeding of revenue case No.27/2016-17 to the finality taking into the various reports which are on record within a period of four weeks from the date of receipt of the copy of this order.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu