

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3718 of 2021**

- Vishnu Kanwar S/o Moharsai Kanwar Aged About 60 Years R/o Village Dhaurabhatha, Tahsil Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. The Collector District Balodabazar-Bhatapara, Chhattisgarh.
3. The Tahsildar Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner : Shri K.P. Sahu, Advocate

For Respondents/State : Shri Aditya Bhardwaj, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****14/09/2021**

Heard.

1. Learned counsel for the petitioner submits that the petitioner is in possession of the part of the land bearing Khasra No. 133/1 admeasuring area 0.242 hectares situated at Village-Dhaurabhatha Tehsil-Kasdol Distt. Balodabazar-Bhatapara (C.G.). He submits that the petitioner is in possession over the said land for the last 35-40 years through his Predecessor-in-Titles and at present, the petitioner has sown the paddy on such field which would be evident from the photographs filed along with the petition. It is submitted that the Gram Panchayat of Village-Dhaurabhatha resolved to open a Gothan (cattle shed) and the land for Gothan

was earmarked at some other place, however the respondent authorities have started an ejectment proceeding against the petitioner in part of the land bearing Khasra No. 133/1 which is total admeasuring 4.639 hectares and the ejectment order has been passed on 30.06.2021 vide Annexure P/1. He also submits that thereafter the stay application was filed which was further dismissed on 09.07.2021.

2. Perused the record. The revenue record shows that the petitioner is in possession of some part of land bearing Khasra No. 133/1. Under these circumstances, since the statutory appellate remedy is available and also taking into consideration the revenue record wherein the possession of the petitioner the said land is shown, the petitioner may file an appeal under Section 44 of the Land Revenue Code 1959 to the appellate authority within a period of 30 days from the date of receipt of copy of this order. Since it has been stated that the petitioner has also sown the paddy over the field, he may also file an application for interim relief. However, till the prayer for interim relief is decided, it is directed that the petitioner shall not be evicted from the land in question for which the ejectment order is issued.
3. With the above observation/ direction, this petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge

Ashu