

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4054 of 2021

Anant Kumar Gupta, S/o. Late Gyanchandra Gupta, Aged About 60 Years, R/o. Village Ratanpur, Bazarpara, Tahsil Lakhanpur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through - Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Collector, Ambikapur, District Surguja Chhattisgarh.
3. Tahsildar, Lakhanpur, District Surguja, Chhattisgarh.

---- Respondents

For Petitioner : Shri Anurag Singh, Advocate

For Respondents/ State : Shri Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2021

Heard

1. The submission of the petitioner is that the petitioner is in occupation of the land bearing Khasra No.47/1 admeasuring 2 dismil and constructed a house over the said land. The State Government has floated a scheme on 11.09.2019 wherein it was held that the person who are in occupation of the Government land prior 2017 that would be settled in their favour and according to the policy, the petitioner has filed an application before the competent authority i.e. the Tahsildar, which is pending which is evident from order sheet dated 03.09.2021. In the meanwhile the notice has been issued by Annexure P-2 whereby the proceeding has been said to be commenced under Section 248 of the Land Revenue Code. It is submitted that in a proceeding under Section 248 if certain orders are passed, it would jeopardize the interest of the petitioner for the reason that the land may not be settled in his favour for

which the application has been filed by him as per the policy. Therefore, the proceeding before the Tahsildar under Section 248 of the Land Revenue Code may be stayed and the respondents be directed to accept the application for grant of land in favour of the petitioner as per the policy of the State dated 11.09.2019.

2. Perused the documents. The application to settle a land in favour of petitioner and the proceeding under Section 248 of the Land Revenue Code are two distinct and different subject issue. Because of the fact that the petitioner has filed an application to settle the land in his favour, no privilege can be attached to it as his occupation would remain as rank trespasser until it is settled by the State in his favour. There cannot be any presumption to the fact that in a proceeding under Section 248 of the Land Revenue Code, if the orders are passed then that may affect the right of the petitioner to settle the land in his favour according to the policy of the State. If the petitioner is aggrieved by any order under Section 248 of the Land Revenue Code then he has an alternate remedy to challenge the same by way of statutory appeal. The instant petition at this stage before this Court is premature and accordingly it is dismissed.

Aks

**Sd/-
(Goutam Bhaduri)
Judge**