

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 4140 of 2021**

- Dipankar Mandal S/o Late Shri Govind Mandal, Aged About 35 Years R/o Village Kamalpur Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh,

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Atal Nagar, Nawa Raipur (Chhattisgarh),
2. The Collector, District Balrampur Ramanujganj (Chhattisgarh),
3. The Sub Divisional Officer (Revenue), Ramanujganj, District Balrampur Ramanujganj (Chhattisgarh),
4. The Tahsildar, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
5. The Chief Executive Officer, Janpad Panchayat, Ramanujganj, District Balrampur Ramanujganj (Chhattisgarh)
6. Gram Panchayat, Kamalpur, Through The Sarpanch, Gram Panchayat, Kamalpur, Janpad Panchayat Ramanujganj, District Balrampur Ramanujganj (Chhattisgarh),

**---- Respondents**

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| For Petitioner | : | Mr. Rahul K. Mishra, Advocate |
| For State      | : | Mr. R.K. Bhagat, Dy. G.A.     |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**08.10.2021**

Heard.

1. The present writ petition has been filed against the order dated 06.09.2021 (Annexure P/1) wherein the petitioner has been asked to vacate a part of the land bearing Khasra No. 229 at Village-Gram Panchayat Kamalpur.
2. Learned counsel for the petitioner submits that the notice issued by the Gram Panchayat Kamalpur is without any jurisdiction. He submits that the Gram Panchayat could not have issued such notice and the petitioner is not an encroacher.
3. Perusal of the notice dated 06.09.2021 (Annexure P/1) would show that it is passed under Chhattisgarh Panchayat (Appeal and Revision) Rules 1995 [for short 'Rules

1995']. Since the order is passed by the Gram Panchayat as per Rule 3 of the Rules 1995, it would be appealable before the SDO. As such, the petitioner may file an appeal before the respondent No. 3-SDO within a period of two weeks from the date of receipt of copy of this order and may also file an application for interim relief. In the meanwhile, it is directed that no forceful eviction shall be carried out for a period of 30 days from today.

4. With the aforesaid observation/ direction, the writ petition stands disposed off.

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