

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4183 of 2021

Ajit Kumar Toppo S/o Late Samuel Toppo Aged About 56 Years Caste Uroan, R/o Village Loro, Tehsil Duldula, District Jashpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector Jashpur Chhattisgarh.
2. Assistant Commissioner Department Of Tribal Development Jashpur Chhattisgarh.
3. Sub Divisional Officer Patthalgaon, Jashpur Chhattisgarh.
4. Tehsildar Patthalgaon, Jashpur Chhattisgarh.
5. Chief Executive Officer, Nagar Panchayat, Patthalgaon, Jashpur Chhattisgarh.
6. Patwari Pahla Halka No. 06 Patthalgaon Jashpur Chhattisgarh.
7. Rajendra Behra S/o Santosh Behra R/o Village Khardhodhi Patthalgaon Jashpur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Keshav Prasad Gupta, Advocate
For the Respondents/ State	: Shri P. Acharya, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.10.2021

Heard on petition.

1. It is submitted by counsel for the petitioner that the petitioner had filed an application vide Annexure-P/4 before respondent No.4 – Tehsildar making a statement that respondent No.7 – Rajendra Behra is raising illegal construction on government land because of which, the right to passage of the petitioner is getting obstructed. On this application, respondent No.4 – Tehsildar earlier passed an order dated 8.12.2020 vide Annexure-P/5 directing the stay of the construction by respondent No.7. Subsequent to that, respondent No.6 – Patwari submitted a report mentioning that the construction raised by respondent No.7 is not illegal and there is no encroachment about any government land, it was

on that basis, respondent No.4 – Tehsildar has dismissed the application by order dated 13.1.2021 (Annexure-P/7). The petitioner has preferred an appeal under Section 44 of the Chhattisgarh Land Revenue Code before the Sub-Divisional Officer/ respondent No.3 which is pending so far without any progress, therefore, it is prayed that respondent No.3 – Sub-Divisional Officer be directed to expedite the proceeding of the appeal filed by the petitioner and it is also prayed that the raising of construction by respondent No.7 – Rajendra Behra may also be stayed on interim basis.

2. Learned State counsel appearing for respondents No.1 to 6 opposes the submissions and submits that the prayer for grant of stay can be made before the Sub-Divisional Officer/ respondent No.3 itself and the petition may be disposed off.
3. After considering on the submissions and perusing the documents filed alongwith the petition, the petition be disposed off. Respondent No.3/ learned Court of Sub-Divisional Officer, Patthalgaon, Jashpur is directed to expedite the proceeding on the appeal filed by the petitioner and dispose off the same preferably within a period of three months from the date of this order.
4. The petitioner is granted liberty to file an application for grant of stay before respondent No.3 and in case, any such application is filed then respondent No.3 is directed to consider and decide the same in accordance with law.
5. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge