

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3291 of 2020

Laxmi Gupta S/o Late Balaji Gupta Aged About 44 Years
Resident of Village- Ganiyari, Tahsil- Takhatpur, District-
Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh.
2. The Sub-Divisional Officer (Revenue) Kota, District- Bilaspur (Chhattisgarh).
3. The Additional Tahsildar Ganiyari, District- Bilaspur (Chhattisgarh).
4. Bhuneshwar Gupta Son of Late Makhan Lal Gupta Resident of Village - Ganiyari, Tahsil- Takhatpur, District- Bilaspur (Chhattisgarh).
5. Suresh Gupta Son of Bhuneshwar Gupta Resident of Village - Ganiyari, Tahsil- Takhatpur, District- Bilaspur (Chhattisgarh).
--- **Respondents**

For the Petitioner	: Mr. Samsun Samual Masih, Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.01.2021

1. Learned counsel for the petitioner would submit that initially Suresh Kumar had filed a petition before the Tahsildar, Ganiyari u/s 215 of the Land Revenue Code wherein by order dated 05.10.2020 it was held that the non-applicants therein namely Laxmi Gupta, Anil Gupta & Mahesh Gupta have not encroached upon Khasra No.217 and the property of Kh.No.218/17 belonged to Laxmi Gupta, Mahesh Gupta and Anil Gupta and they are in possession of land bearing Kh.No.218/17.

2. Learned counsel submits that again an application was filed in respect of the same Khasra number, wherein the stay order dated was passed on 14.10.2020 though on the earlier occasion in respect of the said land it was held that the petitioner was in possession.
3. A perusal of Annexure P-1 would show that an application was filed by Bhuvneshwar Gupta that in respect of part of land bearing Kh.Nos. 218/4, 218/15, 218/16, 218/2, 218/3 Laxmi Gupta, petitioner herein along-with two others have started construction, therefore, a stay order was passed. On earlier occasion, the issue pertains to Khasra No.218/17 and by order dated 05.10.2020, it was held that the petitioners are in possession of the land bearing Kh. No. 218/17, therefore, Kh.No.218 & 217 are not adjacent to each other. The fresh order which was passed on 14.10.2020 prima facie would show the present lis is of the different land. Consequently, the petitioner has to establish the factual aspect before the Revenue Authority, Naib Tahsildar, Ganiyari. Since the land prima facie appears to be entirely different, in such a case, I do not find any justification to interfere in the order as the petitioner is at liberty to defend his case before the appropriate authority where the proceedings are pending.
4. With the above observation/direction, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**