

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4512 of 2021

- Krishna Nand Yadav S/o Late Mahaveer Prasad, Aged About 70 Years, R/o Village Jhagarha, Tehsil and District Korba, Civil and Revenue District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh through Collector, Korba, District Korba Chhattisgarh
2. The Sub Divisional Officer, (Revenue) Korba, District Korba Chhattisgarh
3. The Tahsildar, Korba, District Korba Chhattisgarh
4. Halka Patwari Halka No.19, Village Jhagarha, Tehsil and District Korba, District Korba Chhattisgarh
5. The Commissioner Municipal Corporation Korba, District Korba Chhattisgarh
6. Shri Vickram Singh, R/o Village Jhagarha, Tehsil and District Korba, District Korba Chhattisgarh

---- Respondents

For Petitioner – Shri Manoj K. Sinha, Advocate.

For State – Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-11-2021

Heard.

1. It is submitted by learned counsel for the petitioner that the petitioner is in possession of land bearing Khasra No.227 measuring 2 acres. In the Khasra Masahat (Annexure-P/1) the name of grand-father of the petitioner is mentioned as the person in possession of the land in question. Respondent No.6 has encroached upon this land and is raising boundary wall. The petitioner filed an application before the Collector on 03-07-2020 praying for various reliefs and also praying for order to stay the construction. The petition filed by the petitioner to the Collector has not been considered at all. Therefore, this petition has been brought.
2. The State counsel opposes the submission submitting that the petitioner

has not been able to show any entitlement on the land regarding which he has the complaint and further, it is the private party who has encroached upon the land on which the petitioner is claiming possession. Therefore, the petitioner has remedy available to file civil suit against the private party. Hence, the petition may be disposed off.

3. After considering on the submissions, this petition is disposed off. Collector Korba, respondent No.1 is directed to consider on the application filed by the petitioner and take decision on the same in accordance with law, as early as possible within a period of 30 days from today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge