

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4837 of 2021

Atish Kumar Mire S/o Late Shri Madhav Mire Aged About 59 Years R/o Panna Nagar, Jarhabhatha, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. Sub-Divisional Magistrate Bilaspur, District Bilaspur, Chhattisgarh.
4. Tahsildar Bilaspur, District Bilaspur, Chhattisgarh.
5. Municipal Corporation, Bilaspur Through Its Commissioner, District Bilaspur, Chhattisgarh.
6. Daniel Masih S/o Shri S. Masih R/o Panna Nagar, Ward No.7, Behind Bedu Garage, Jarhabahata, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Dhiraj Kumar Wankhede, Advocate.
For the respondents / State	: Shri Chandresh Shrivastava, Dy.A.G.
For respondent No.5	: Shri Sandeep Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.12.2021

Heard on petition.

1. It is submitted that the petitioner is owner of the land bearing khasra No.122/2 measuring 1,750 sq. ft. since 18.8.1998. The petitioner learnt that respondent No.6 has encroached upon some part of the land of the petitioner and also on the road of the Municipal Corporation. The petitioner filed an application before respondent No.4 praying for demarcation. The demarcation report (Annexure-P/4) mentions that respondent No.6 has encroached upon the land of the Municipal Corporation. Respondent No.6 challenged this demarcation report

before the Collector and the Collector vide order dated 8.7.2016 has allowed the revision and rejected the earlier demarcation report. It was further directed in the same order that the Tehsildar, Bilaspur shall make demarcation of the lands belonging to the petitioner and respondent No.6 in their presence and this proceeding was directed to be completed within a period of two months. The Committee for making such demarcation was also constituted by the order dated 28.3.2017 by Tehsildar, Bilaspur but subsequent to that, there is no development at all. Hence, it is prayed that this petition may be disposed off with a direction to the concerned authorities to make compliance with the orders passed by respondent No.2.

2. Learned State counsel opposes the submissions and submits that in compliance of the order of the Collector a demarcation proceeding has been conducted on 14.9.2017, however, there is no objection if the Court disposes off this petition with a direction.
3. Learned counsel for respondent No.4 submits that the proceedings under Section 133 of the Chhattisgarh Land Revenue Code, 1959 is also pending regarding which, the petitioner has not made any prayer.
4. Considered on the submissions. Although, there is an order passed by the Collector dated 8.6.2016 directing to carry out demarcation of the land belonging to the petitioner and the land belonging to respondents No.5 & 6. A team was constituted for such demarcation, vide order dated 28.3.2017, but the team has not conducted any such demarcation, so the demarcation report regarding which there is submission of the State counsel is the demarcation made by the Revenue Inspector alone. The City Magistrate, Bilaspur as by memo dated 26.8.2019 vide Annexure-P/16 mentioned in the memo that earlier a team of five members was constituted for conducting demarcation and

therefore, the demarcation made only by the Revenue Inspector is not acceptable and he has ordered that the demarcation be made by the team constituted and subsequent to this, a team has been constituted on 13.2.2020 by Naib Tehsildar, Bilaspur.

5. Considering on all these developments and the fact that the order of respondent No.3, the Collector has not been complied so far, this petition is disposed off at motion stage. Respondents No.3 & 4 are directed to make compliance with the order of the Collector dated 8.6.2016 at the earliest, preferably, within a period of 60 days from today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi