

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4734 of 2021

1. Daymotin W/o Late Bisnath Mankar Aged About 70 Years R/o Village Bahigaon, Tahsil Keshkal, District Kondagaon. Chhattisgarh.
2. Bhanumati W/o Late Tejram Aged About 38 Years R/o Village Bahigaon, Tahsil Keshkal, District Kondagaon Chhattisgarh.
3. Dhoor Singh S/o Ransay, Aged About 72 Years R/o Village Bahigaon, Tahsil Keshkal, Kondagaon, Chhattisgarh.

---- Petitioners

Versus

1. State of Chhattisgarh Through Its Secretary, Department of Revenue Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. Commissioner, Raipur Division, District Raipur Chhattisgarh.
3. Collector, Kondagaon, District Kondagaon Chhattisgarh.
4. Sub Divisional Officer, Kondagaon, District Kondagaon Chhattisgarh.
5. Tahsildar Keshkal, District Kondagaon Chhattisgarh.
6. Principala Govt Primary School Bahigaon, District Kondagaon Chhattisgarh.

---- Respondents

For the Petitioners : Mr. Pawan Kesharwani, Advocate

Respondent/State : Ms. Astha Shukla, Panel Lawyer

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-11-2021

1. Heard on petition.
2. This petition has been brought against the notice issued by Tahsildar dated 24.09.2021 Annexure P/1.

3. It is submitted by the counsel for the petitioners, that the petitioner had been objecting to the construction of fencing for the Janpad Prathmik Shala, Bahigaon. On prayer made by the petitioner a demarcation was made on 18.06.2021, however, the demarcation made was not complete, therefore, the petitioner has filed fresh application on 27.09.2021 before Tahsildar praying for re-demarcation of the lands in question for which no decision has been taken so far. It is submitted that the issuance of notice dated 24.09.2021 is not based on any proper demarcation report, therefore, the same is being challenged here. However, the petition may be disposed off with the direction to Tahsildar for re-demarcation of the landed property in question.
4. State counsel opposes the submission and submits that the application for re-demarcation has been filed by the petitioner only after issuance of notice Annexure P/1, therefore it is an attempt to avoid process initiated against the petitioner.
5. Considered on the submissions and perused the documents filed along with the petition. The petition is disposed off at motion stage. The Tahsildar /respondent No. 5 is directed to re-demarcate the lands regarding which the petitioner has objection on the basis of the repeat application filed by him dated 27.09.2021 and this demarcation proceeding be completed with a period of 60 days and until then the proceeding initiated by the notice Annexure P/1 shall remain stayed.

6. With these observations, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Santosh