

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4923 of 2021

- Basant Nayak Son of Makhan Nayak, aged about 48 years, R/o. Village Amoda, Post Amoda, Tahsil Narharpur District Kanker (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Secretary, Revenue & Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur, (C.G.)
2. Collector, District North-Bastar Kanker, C.G.
3. Sub Divisional Officer, Revenue, Kanker, District North- Bastar, C.G.
4. Tahsildar, Kanker, District North- Bastar, Kanker, C.G.
5. Chief Municipal Officer, Nagar Palika Parishad, Kanker, Kanker, District North Bastar Kanker, C.G.
6. Sahdev Samrath Son of Mahruram Samarth, R/o. Village Adeaga, Keshkal, Police Station Keshkal, Kanker, District- North Bastar Kanker, C.G.
7. Harikishan Son of Keshav Kumar Samrath, R/o. Village Adeaga, Keshkal, Police Station Keshkal, Kanker, District- North- Bastar, Kanker, C.G.

---- Respondents

For Petitioner – Mr. Mukesh Shrivastava, Advocate.

For State – Mr. Sameeksha Gupta, Panel Lawyer.

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

Order on Board

03-12-2021

1. It is submitted by the learned counsel for the petitioner that the petitioner is recorded owner of the land bearing Khasra No.319/2 and 319/4 measuring 0.048 hectare, situated in Village – Kanker, Tahsil- Kanker, District – North-Bastar Kanker, C.G. The petitioner was using a path for approaching to his land. The same has been obstructed by the

respondents No.6 & 7. The petitioner has filed an application, before the respondent No.2, 3, 4 and 5 but no action has been taken on this application. It is submitted that Section 131 of the C.G. Land Revenue Code (In short 'the Code, 1959') provides that such dispute has to be decided by the Tahsildar and the Tahsildar also has authority to exercise power granted to him under Section 132 and 133 of the Code, 1959, hence, because of the inaction of the respondent No.4, this petition has been filed praying for issuance of appropriate direction.

2. Learned State counsel representing on behalf of respondents No.1 to 4 opposes the submissions, however, he submits that the petition may be disposed off with direction.
3. Considered on the submissions and perused the documents filed along with the petition. Under Section 131 of the Code of 1959, the Tahsildar is authority, who shall resolve the dispute regarding the right of way and other private easements. He is also empowered to take action under the provision of Section 132 of the Code, 1959 for penalizing the person responsible for creating obstruction and also has power to remove the obstruction under Section 133 of the Code, 1959. Therefore, this petition is disposed off at motion stage. The respondent No.4 is directed to take action on the application/representation filed by the petitioner expeditiously and take decision on the same at the earliest preferably within a period of 60 days.
4. With these observations, this petition is disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge