

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4783 of 2021

- Chandra Kumar Katzhare S/o Late Dr. Pannalal Katzhare Aged About 55 Years R/o Tahsil Para Ward No. 5, Bhanupratappur, Tahsil Bhanupratappur, District Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Revenue And Disaster Management, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. The Collector District Uttar Baster Kanker (Chhattisgarh)
3. Sub-Divisional Officer (Revenue) Bhanupratappur, Distt. U.B. Kanker
4. Naib Tahsildar Bhanupratappur, Distt. U.B. Kanker, Chhattisgarh.
5. Rambaran Mishra S/o Durga Prasad Mishra R/o Ward No. 1, Bhanupratappur, Kanker, Chhattisgarh.
6. Tahsildar Bhanupratappur, Distt. Uttar Baster Kanker Chhattisgarh.

---- Respondents

For Petitioner

– Mr. Parag Kotecha, Advocate.

For State

– Mr. Aditya Bhardwaj, Panel Lawyer.

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

Order on Board

25-11-2021

1. Heard.
2. It is submitted that the land in question is in possession of the petitioner since 1982. The respondent No.5 has illegally encroached upon the land in possession of the petitioner and raised a fencing of barbed wire. The petitioner made a complaint to respondent No.3 and 4 on 14.07.2021 vide Annexure-P/1, requesting to evict respondent No.5 from the land, which he has encroached. Respondent No.4 by a

memo dated 19.07.2021 directed respondent No.6 to make an inquiry and submit report. The inquiry has been made and the report has been submitted. Subsequent to which, no action is being taken by the respondent authorities for removal of encroachment of respondent No.5, therefore, it is prayed that the specific direction be issued to the respondent authorities directing them to remove the illegal encroachment of respondent No.5.

3. Learned State counsel representing respondents No.1, 2, 3, 4 and 6 opposes the submissions.
4. Heard learned counsel for the parties and perused the documents present on record.
5. Considered on the submissions, the prayer made by the petitioner in the application (Annexure-P/1) for removal of the encroachment of respondent No.5 has not been disposed off by the respondent No.3 and 6. Therefore, the respondent No.3 and 6 are directed to consider on the prayer made by the petitioner in Annexure-P/1 and take decision on the same at the earliest in accordance with the provisions under C.G. Land Revenue Code, 1959.
6. With these observations, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge