

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4834 of 2021

Smt. Geeta Meshram W/o Taran Kumar, Aged About 64 Years R/o Main Road, Surdonger, Tahsil - Keshkal, District - Kondagaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Collector, District - Kondagaon Chhattisgarh.
3. The Sub - Divisional Officer (Revenue), Keshkal, District - Kondagaon Chhattisgarh.
4. The Tahsildar, Keshkal, District - Kondagaon Chhattisgarh.
5. Dwarka S/o Fagua Gond, R/o Surdonger, Tahsil - Keshkal, District - Kondagaon Chhattisgarh.

---- Respondents

For Petitioner	: Shri D.N. Prajapati, Advocate.
For the respondents / State	: Ms. Akanksha Jain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.12.2021

Heard on petition.

1. It is submitted that the land bearing khasra No. 3/27, ad-measuring 0.10 acres was purchased by the registered sale deed on 9.10.1995, subsequent to that, the revenue record was also mutated in favour of the petitioner. Later on, without any knowledge of the petitioner or any notice to him, the land mentioned herein-above is shown to be recorded in the name of government in the revenue records. The petitioner has made representation before the authorities but the same has not been decided so far. In the meanwhile, respondent No.5 has encroached upon the land of the petitioner and raising construction on the same, hence, the respondents/ State authorities be directed to take appropriate action on the representations filed and respondent No.5

may also be restrained from making any construction on the land belonging to the petitioner.

2. Learned State counsel opposes the submissions and submits that the petitioner is required to file an appropriate application under Section 116 of the Chhattisgarh Land Revenue Code, 1959 praying for correction in the revenue records, therefore, there is no requirement for issuance of any direction.
3. Considered on the submissions and perused the documents filed alongwith the petition. The petitioner has a grievance which has been redressed under Section 116 of the Chhattisgarh Land Revenue Code, 1959, therefore, the petitioner is granted liberty to file such an application before respondent No.4 within 10 days. On filing of such application, respondent No.4 shall be obliged to consider on the same, draw proceedings in accordance with law and decide it at the earliest, preferably, within a period of 90 days.
4. As regards, the relief prayed against respondent No.5, it is observed that respondent No.5 is a private party and the petitioner has remedy available to approach the Civil Court. Therefore, no relief can be granted in this respect.
5. With the aforesaid observations, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge