

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4940 of 2021

1. Bhuneshwar Prasad Gupta S/o Late Ramsundar Gupta Aged About 64 Years R/o Village- Rakeli, Post- Nawanagar, P.S. And Tahsil- Darima, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through- The Secretary, Department of Revenue Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Secretary, Department of Food, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. The Collector, Surguja (Ambikapur), District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
4. Sub-Divisional Officer (Revenue) Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
5. Tahsildar-Darima, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
6. District Marketing Officer- Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
7. Manager Adim Jati Sewa Sahkari Samiti, Karra, Tahsil- Darima, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
8. Gram Panchayat-Rakeli, Through- The Secretary Gram Panchayat-Rakeli, Tahsil- Darima, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Petitioner : Mr. A.N. Pandey, Advocate.

For State : Ms. Aakanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/12/2021

Heard.

1. Present petition has been brought against the impugned action of the respondent No.4 & 5.
2. It is submitted by the counsel for the petitioner that the petitioner is in possession of the Government land bearing khasra No.1/3 measuring 0.60 acre in village-Rakeli, District-Sarguja. Respondents No.4 & 5 are making demarcation of the land and the same is being proposed for the construction of Paddy Purchase Centre. The petitioner is in possession of this land since about 12 years and he has also filed an application before respondent No.3 praying for settlement of land in his possession which is pending, therefore, it is prayed that until the representation made by the petitioner is decided by respondent No.3 his possession may be protected.
3. Learned State counsel opposes the submissions made by counsel for the petitioner and submits that the petitioner has encroached upon the Government land in recent times, it is not a case of long possession, therefore, he is not entitled to seek possession of the same and also that the policy Annexure-P/5 on which the petitioner is relying is not for the rural land, therefore, the petitioner is not entitled for grant of interim relief.
4. Considered on the submissions. Only for the reason that the petitioner is in continuous possession of the land in question and there is a prayer made by him to the respondent No.3 for settlement on the same without making any comment on the merits of the case, the respondent No.3 is directed to consider on the representation filed by the petitioner and take decision on the same in accordance with merits and law, rules, regulation, circular, standing order etc. as may applicable.

5. In the meanwhile, it is ordered that the action if any proposed against the petitioner that shall remain stayed for a period of 60 days. Respondent No.3 is also directed to dispose off the representation filed by the petitioner within a period of 60 days from today.
6. With these observations, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha