

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5152 of 2021**

Jamuna Bai W/o Gendram Aged About 67 Years R/o Village Barbaspur,
Post Bhaistara, Tahsil Janjgir District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. The Collector Bilaspur, District Bilaspur Chhattisgarh.
3. Sub Divisional Officer (Revenue) Bilaspur, District Bilaspur Chhattisgarh.
4. Tahsildar Bilaspur, District Bilaspur Chhattisgarh.
5. Superintendent Of Police Bilaspur, District Bilaspur Chhattisgarh.
6. Station House Officer Police Station Sarkanda, District Bilaspur Chhattisgarh.
7. Krishna Datt Sastri S/o Kshatrapal Aged About 60 Years R/o House Of Uttam Kumar Chaturvedi, Ward No. 63, Bandhwapara, Near Satabaniya Mataji Mandir, Bilaspur Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. S.P. Sannat, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****13/12/2021**

1. The present writ petition has been filed seeking for an appropriate direction to the respondent authorities to remove and demolish the constructions made by the respondent No.7 over the land which is belonging to the petitioner.
2. The contention of the petitioner is that she is the registered owner of land bearing khasra No. 242/13 measuring 0.0160 hectare situated at

Bhandhwapara, Bilaspur under Police Station Sarkanda, District Bilaspur. The petitioner owned the said property by virtue of a registered sale deed dated 05.11.1998. According to the petitioner, the respondent No.7 has however illegally entered upon the property of the petitioner and has started raising construction.

3. The petitioner meanwhile has moved an appropriate application before the respondent No.4 for demarcation of her property, which is pending consideration since long and therefore prays for an appropriate direction to the respondent No.4 to take appropriate action on the said application and also to ensure that further illegal construction by the respondent No.7 be stopped.
4. The learned State counsel on the other hand opposing the petition submits that the petitioner apart from the request for demarcation also has a right to approach the concerned authority for appropriate proceedings under Section 248 of the Chhattisgarh Land Revenue Code seeking for eviction of the respondent No.7 from the property owned and possessed by the petitioner.
5. Learned counsel for the petitioner however submits that in case appropriate orders are not passed the respondent No.7 may complete the construction that he has initiated and it would cause great inconvenience and further complication to the claim of the petitioner.
6. Be that as it may, considering the fact that the matter pertains to an alleged illegal encroachment by the respondent No.7 over the property owned by the petitioner, the proper appropriate course for the petitioner would be to move to the respondent No.4 for

appropriate demarcation and also for initiating appropriate proceedings for removing of illegal encroachment, if any. In addition, the petitioner's right to approach the concerned Civil Court seeking for an appropriate relief also is left open. The respondent No.4 meanwhile is directed to ensure that the application for demarcation moved by the petitioner is processed and the property of the petitioner be demarcated in accordance with the provisions of the Chhattisgarh Land Revenue Code at the earliest preferably within a period of 60 days after a fair opportunity of hearing to all the parties involved in the dispute.

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved