

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 163 of 2021**

Har Prasad Verma S/o Jai Singh Verma, Aged About 41 Years R/o Village Aatariya, Post Koshmi- Aatariya, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary Department Of Panchayat And Social Welfare, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh
3. Collector Rajnandgaon District Rajnandgaon Chhattisgarh,
4. Chief Executive Officer, Zila Panchayat Rajnandgaon, District Rajnandgaon Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Khairagarh District Rajnandgaon Chhattisgarh
6. Sub Divisional Officer (R) Khairagarh District Rajnandgaon Chhattisgarh
7. Tahsildar Khairagarh District Rajnandgaon Chhattisgarh
8. Patwari, Halka No. 46, Village Bazar Atariya, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh
9. Patwari, P.H.N. 14 Karhikachhar Tahsil Belgahna District Bilaspur Chhattisgarh.
10. Sarpanch Gram Panchayat Bazar Atariya, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh,
11. Smt. Sumitra Pal W/o Ishwari Pal, Sarpanch Gram Panchayat Bazar Atariya, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.
12. Daduram S/o Late Prem Lal Pal, Aged About 48 Years R/o Village Bazar Atariya, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For petitioner - Shri Uttam Pandey and Shri F.S. Khare, Advocates.
For State – Shri Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri
Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

Per Goutam Bhaduri, J.

21/12/2021

Heard.

1. This petition has been filed as a pro bono publico on the ground that government land bearing khasra No.213 at village Aatariya, Tehsil Khairagarh, District Rajnandgaon which is recorded as a grass land in the revenue record is being encroached upon by the respondent No.12. He would submit that by manipulation of the document of the revenue record the encroachment is being made. He refers to a communication by the CEO, Zila Panchayat, Rajnandgaon dated 16/11/2021 Annexure P-10 and would submit that the khasra No.213 over which a gothan was proposed to be constructed has been encroached upon, therefore it would lead to show that in land bearing khasra No.213 no open space is left. He would submit that therefore inference has to be drawn that the encroachment has been made over the said land earmarked for gothan. He further submits that the petitioner and the other villagers have made application to the Collector on 25/10/2021 and the other revenue authority marked as Annexure P-9 but nothing has transpired, therefore present petition has been filed.
2. We have heard the learned counsel for the parties.
3. Perusal of the documents attached with this petition would show that the petitioner has placed reliance on a letter dated 16/11/2021

Annexure P-10 written by CEO, Zila Panchayat, Rajnandgaon purporting that land bearing khasra No.213 which was meant for gothan has been encroached upon. According to the petitioner same encroachment has been done by respondent No.12 herein. The perusal of Annexure P-10 it is not clear who are the encroachers and even there is encroachment has been made over the government land then proper course is left open to the petitioner to seek remedy under the Land Revenue Code which is particularly under Section 248 of the Land Revenue Code. Instead of instituting the proper proceeding before the revenue court instant PIL is filed, therefore this Court will not go into the fact finding to make an enquiry as to who are the encroachers and to what extent the land has been encroached to usurp the power of a revenue authority which is under Section 248 of the Land Revenue Code. When statutory remedy is available and open to the petitioner simply by throwing letter to the Collector it is not expected that the revenue authority would take cognizance without there being any particular in the letter. Therefore, we are not inclined to entertain this petition at the threshold.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Sd/-

(N.K. Chadravanshi)
Judge