

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****WPPIL No. 101 of 2019**

1. Devashish Rai S/o Dinobandhu Rai Aged About 42 Years R/o Pakhanjur, New Market Ward No. 15, Ambedkar Ward, Post Office - Pakhanjur District - Kanker Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
2. The Secretary, Forest Department, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Nawa Raipur Chhattisgarh.
3. The Collector, District - North Bastar Kanker Chhattisgarh.
4. The Sub - Divisional Officer (Revenue) Pakhanjur, District - North Bastar Kanker Chhattisgarh.
5. The Tahsildar, Pakhanjur, District - North Bastar Kaner Chhattisgarh.
6. Premanand Vishwas S/o Late Sahdev Aged About 70 Years Caste - Namoshudra, R/o Village P.V. - 17, Tahsil - Pakhanjur, District - North Bastar Kanker Chhattisgarh.

---- Respondents

For Petitioner	-	Shri D.N. Prajapati, Advocate.
For respective Respondents/State-		Shri Vikram Sharma, Dy. Government Advocate, Shri Parag Kotecha, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice
Hon'ble Smt. Rajani Dubey, J.

Judgment on Board**By**

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

27-07-2021

1. Heard.
2. This writ petition in the nature of PIL has been preferred seeking direction to the respondent State Authority to act in accordance with the direction issued by the Hon'ble Supreme Court in the matter of **Jagpal Singh and others Vs. State of Punjab & others** 2011 Volume 11 SCC 396 and to take immediate action for eviction of the private respondent from Government forest land and restore its possession in favour of Government.
3. In the return filed by the State on 25-07-2021, a statement has been made in paragraph 6 thereof that encroachment from Khasra No.223, 227, 582, 222 as well as 230 has been removed, although in the order annexed with the return, there is no mention of Khasra No.230.
4. Learned counsel for the petitioner would submit that entire encroachment has not been removed and only some part of the encroachment has been removed as would be clear from the Panchnama at page 7 of the return.
5. Considering the statement made in the return and the documents annexed thereto as also the law laid down by the Hon'ble Supreme Court in the matter of Jagpal Singh (supra), since the Government has made sincere efforts to remove encroachment, the writ petition is disposed of with direction that the entire encroachment on Government land, be it forest land or Government Revenue Land, be removed from the possession of respondent No.6 or in possession of any other individual residing in the subject village within a period of six months from today. If the entire encroachment is not removed, the petitioner would be at liberty to prefer fresh Personal Interest litigation (P.I.L.).
6. Accordingly, the present WPPIL is disposed of with the liberty aforesaid.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Rajani Dubey)
Judge

Amardeep