

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(C) No. 3349 of 2020**

1. Shailesh Yadav, son of Jwahir Lal Yadav, aged about 30 years,
2. Sunil Yadav, son of Sahadan Yadav, aged about 35 years,
3. Narendra Yadav, son of Jamuna Yadav, aged about 32 years,
4. Muneshwar Yadav, son of Ram Subhag Yadav, aged about 60 years

All are resident of village Malgawakhurd, Tahsil Ambikapur, District Sarguja (C.G.)

**---- Petitioners****Versus**

1. State of Chhattisgarh Through its Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (C.G.)
2. Collector Ambikapur, District Sarguja (C.G.)
3. Sub Divisional Officer (Revenue) Ambikapur, District Sarguja (C.G.)
4. Naib Tahsildar, Ambikapur – 2, District Sarguja (C.G.)
5. Chief Executive Officer, Zila Panchayat Ambikapur, District Sarguja (C.G.)
6. Chief Executive Officer, Janpad Panchayat Ambikapur, District Sarguja (C.G.)
7. Krishna Yadav, son of Ram Lakhan Yadav, Up Sarpanch of Gram Panchayat Malgawakhurd, Tahsil Ambikapur, District Sarguja (C.G.)

**---- Respondents**


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For Petitioners	:	Ms. Sangeeta Soni, Advocate
For State/Respondents No. 1 to 4	:	Mr. Shashank Thakur, Deputy Advocate General
For Respondent No. 7	:	Mr. Achyut Tiwari, Advocate

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**Hon'ble Shri Rakesh Mohan Pandey, Judge****Order On Board****30.04.2024**

1. The petitioners have filed this petition seeking the following relief(s):-

**“10.1** That, this Hon'ble Court may kindly be pleased to issue the writ, order or directions to the respondents authorities to call for the entire record pertaining to the case of the respondent no. 7 for issuing notice, in the interest of justice.

**10.2** That, this Hon'ble Court may kindly be pleased to issue the writ, order or directions to the respondents authorities to consider the pending application (Annexure P-1) of the petitioner, in the interest of justice.

**10.3** That, this Hon'ble Court may kindly be pleased to issue the writ, order or directions to the respondents authorities to terminate the private respondent No. 7 from the post of Up Sarpanch and to remove the private respondent No. 7 from the government land which is illegal constructed the house by the Private respondent No. 7, in the interest of justice.

**10.4** That, this Hon'ble Court may kindly be pleased to issue the writ, order or directions to the respondents authorities to enquire the matter in the interest of justice.

**10.5** That, the Hon'ble Court may kindly be pleased to issue any other writ or writs / order or orders / direction or directions which the Hon'ble Court deemed fit and proper in the interest of justice."

2. Learned counsel appearing for the petitioners would submit that the private respondent i.e. respondent No. 7 has encroached on the government land bearing survey Nos. 363/1 and 363/2 admeasuring 3.332 and 1.1380 hectares situated at Village Malgawakhurd, Patwari Circle No. 03, Tehsil Ambikapur, District Surguja and he is raising construction over it. She would further submit that though the complaints have been made to various authorities, no action has been taken yet.
3. On the other hand, learned counsel for the respondents would oppose.
4. Learned counsel for the State would submit that the petitioners may file an application as per the provisions of Section 248 of the CG. Land Revenue Code, 1959 before the concerned Tehsildar and if such an

application is moved by the petitioners, appropriate action would be taken by the authorities,

5. Learned counsel for respondent No. 7 would submit that respondent No. 7 has not encroached on government land as narrated by the petitioners in the present petition.
6. I have heard learned counsel for the parties and perused the documents placed on the record.
7. Taking into consideration the fact that the petitioners have a remedy to move an application before the Sub Divisional Officer (Revenue) under Section 248 of the CG. Land Revenue Code, 1959, this petition, at this juncture, is disposed with liberty to the petitioners to move an appropriate application before the concerned authority and the authority concerned is directed to take an informed decision on the application so moved by the petitioners strictly in accordance with law after affording due opportunity of hearing to the parties concerned.
8. With the aforesaid direction(s), the petition is disposed of.

Sd/-

**(Rakesh Mohan Pandey)**  
**Judge**