

(2019) 10 CHH CK 0078
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 3652 Of 2019

Bhushan Prasad Madhukar	Vs	APPELLANT
State Of Chhattisgarh And Ors		RESPONDENT

Date of Decision : 15-10-2019

Acts Referred:

Citation : (2019) 10 CHH CK 0078

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Mirza Kaiser Baeg, P. Acharya

Final Decision : Disposed Of

Judgement

P. Sam Koshy, J

1. The present writ petition has been filed seeking limited relief for a direction to the respondents No. 2 & 3 to take appropriate steps ensuring that the order of the respondent No.3 Annexure P/1 dated 20.06.2019 is complied with at the earliest and the possession of the disputed land is restored back to the petitioner.

2. Perusal of the record would show that there was already an order issued by the respondent No.3 for removal of the encroachment by issuance of a warrant in this regard on 22.07.2019. However, apprehending law and order problem, the concerned authority could not get the order executed and has prayed for the presence of the respondent No.3 also for execution of the said order. Thereafter, it appears that there has been no further development or progress made at the level of the respondents No.2 & 3.

3. Given the facts that there is already an order passed by the Nayab Tahsildar on 20.06.2019 and there is also an order dated 22.07.2019 passed by

the Nayab Tahsildar for removing of the encroachment and for restoring the possession of land to the petitioner. It goes without saying that unless the order of the Nayab Tahsildar is challenged before a higher forum and is either stayed or set-aside/quashed by the higher authorities, the order so passed under the provisions of the Chhattisgarh Land Revenue Code has to be implemented in its letter and spirit.

4. Without expressing any opinion on the merits of the order passed by the Nayab Tahsildar, subject to verification of the same by the authorities

concerned, if required, so far as the claim of the petitioner is concerned, it is expected that the respondents No. 2 & 3 shall take all necessary steps

including taking assistance of the police force in getting the order executed at the earliest preferably within a period of 60 days from the date of

receipt of the copy of this order.

5. It shall be the responsibility of the petitioner to apprise the respondents No.2 & 3, so also the other respondents, so far as the order passed by this

Court is concerned.

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