

(2018) 09 CHH CK 0373

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2654 Of 2018

Gurusharan Gupta

APPELLANT

Vs

Superintendent Of Police,
Kawardha And Ors

RESPONDENT

Date of Decision: Sept. 25, 2018

Acts Referred:

- Chhattisgarh Land Revenue Code, 1959 - Section 248

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Priyank Rathi, A. S. Kachhawaha

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. Petitioner would assail the order passed by the Superintendent of Police, Kabirdham directing him to vacate the encroachment from the land

belonging to the Police/Home Department.

2. It appears, the order has not been passed in the capacity of Superintendent of Police to maintain law and order, but the same has been passed by an

Officer of the Police/Home Department under whose control the land has been settled by the Revenue Department.

3. Petitioner's counsel would submit that even if the petitioner is an encroacher, which fact is not admitted by the petitioner, he cannot be removed

from possession without taking recourse to law.

4. Let the Tehsildar, Kabirdham draw proceedings against the petitioner under Section 248 of the Chhattisgarh Land Revenue Code, 1959 and pass

necessary order after providing opportunity of hearing to the petitioner. The petitioner as well as learned State counsel shall submit certified copy of

this order before the concerned Tehsildar within a period of 15 days from today and thereafter the Tehsildar shall complete the proceedings within

next 10 weeks.

5. Till the order is passed by the Tehsildar, status-quo in respect of possession shall be maintained by the parties.

6. The writ petition stands disposed of.