



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 57 of 2023

- Jitendra Ogare S/o - L.P. Ogare Aged About 39 Years R/o Village Lahroud, Tahsil Pithora, District : Mahasamund, Chhattisgarh. **---- Petitioner**

Versus

1. State of Chhattisgarh Through - Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh.
2. Secretary State of Chhattisgarh, Department of Forest, Mantralaya, Mahandi Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh.
3. Collector Mahasamund, District : Mahasamund, Chhattisgarh
4. Sub Divisional Officer-Cum-Land Acquisition Officer Revenue, Pithora, District : Mahasamund, Chhattisgarh.
5. Tahsildar Pithora, District : Mahasamund, Chhattisgarh
6. Vikas S/o Leeladhar Agrawal R/o Village Baya, Tahsil Kasdol, District : Balodabazar-Bhathapara, Chhattisgarh.
7. Bhuneshwar Raut S/o Souki Lal Raut R/o Village Dongaripali, Tahsil Pithora, District : Mahasamund, Chhattisgarh. **---- Respondents**

(Cause-title taken from Case Information System)

For Petitioner : Mr. Shikhar Sharma, Advocate

For State : Mr. Gagan Tiwari, Government Advocate

Hon'ble Shri Justice Ramesh Sinha, Chief Justice

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

Per Ramesh Sinha, Chief Justice

16.06.2023

1)The present writ petition has been filed by the petitioner with the following prayers :

"10. (I) That, this Hon'ble Court may kindly be



pleased to direct the respondent authorities to take proper legal action against the respondent No.6 & 7 and also against the responsible revenue officers, who have wrongly given help to the respondent No.6 & 7 in commission of forgery in respect of government land.

(ii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to confiscate the land bearing Khasra No.634/3 and the same may be reverted back and may be recorded as government land in the revenue record.

(iii) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to initiate proceeding for recovery of Rs.9,76,800/- from the respondent No.6 and also for the recovery of Rs.39,07,200/- the amount of compensation, which has been wrongly obtained by persons namely Laxman Son of Itwaru and also from Laxminarayan Agrawal against whom the FIR bearing Crime No.62/2018 has been registered at Police Station Pithora, District Mahasamund (C.G.).

(iv) That, this Hon'ble Court may kindly be pleased to direct the respondent state authorities to stop the construction work, which is started by the respondent No.6 on the land bearing Khasra No.634/3.

(v) Any other relief which the Hon'ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioner."

2) Mr. Shikhar Sharma, learned counsel, appearing for the petitioner would submit that the present petition is filed as a public interest litigation, indicating that the petitioner is a public-spirited person and not motivated by personal interests. He would submit that the petitioner resides in the village Lahroud, Tahsil Pithora, District Mahasamund. According to him, there is government land registered under the designation of "Bade Jhad Ka Jungle," specifically Khasra No. 634 with an area of 4.86 hectares. This land has been recorded as "Bade Jhad Ka Jungle" in the Missal record of 1986-1987. The petitioner has provided a copy of the Missal record from the year 1989-90 pertaining to the land, marked as Annexure P/1. It is submitted that the respondent No.7





obtained the land ownership document in his favour and later on, sold it to respondent No.6. The petitioner seeks legal action to address this encroachment and protect the government land. He would further submit that the petitioner has not filed any previous public interest petitions related to this matter. This suggests that the present petition is his first attempt to address the issues surrounding the encroachment, forgery, illegal acquisition of land, and fraudulent transactions.

3) We have examined the submissions advanced by the learned counsel for the petitioner and perused the documents annexed along with the petition.

4) In the matter at hand, we are of the view that the petitioner has appropriate course of action under Section 248 of the Land Revenue Code to address the encroachment upon government land, and the petitioner instead of pursuing the prescribed legal proceedings before the revenue court, he has chosen to initiate a public interest litigation (PIL). Therefore, at this stage, this Court could not issue a writ to undertake fact-finding or conduct an inquiry into the identity of the encroachers or the extent of the encroachment, as this issue falls within the jurisdiction of the revenue authority, as stipulated by Section 248 of the Land Revenue Code. Consequently, we find no good ground to entertain the present petition at the preliminary stage, hence the PIL is dismissed.

5) The security amount i.e. Rs. 5,000/- so deposited by Mr. Shikhar Sharma, counsel for the petitioner, stands forfeited.

Sd/-
(Rakesh Mohan Pandey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice