



2026:CGHC:15347

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

W.P.(C) No. 4383 of 2021

Vijay Patel, S/o. Lt. Vasudeo, aged about 55 years, R/o. Village Basdei, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. The State of Chhattisgarh, Through : Secretary, The Revenue Department, Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector Surajpur, District Surajpur, Chhattisgarh.
3. The Sub Divisional Officer, Surajpur, District Surajpur, Chhattisgarh.
4. The Tehsildar, Tehsil Surajpur, District Surajpur, Chhattisgarh.
5. The Sarpanch, Gram Panchayat Basdei, Tehsil Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

<u>29/10/2021</u>	Mr. Aman Upadhyay, counsel for the petitioner. Mr. Shriya Mishra, P.L. for the State/respondents. Heard. It is submitted that respondent No.5 has issued notice (Annexure P-1) directing the petitioner to remove encroachment of the petitioner on the government land Kh. No.2376 admeasuring 6.69 acres. It is submitted that respondent No.5 has no such authority for issuance of such notice directing removal of encroachments. Proviso to Section 56 (2) of the Act, 1993 clearly provides, that in such a case the Gram Panchayat is empowered to pass a resolution and refer the



matter to Tahsildar requesting removal of hindrance, obstruction or encroachment from such land, which are vested with the State Government.

Learned State counsel opposes the petition and the submissions made in this respect. It is submitted that Gram Panchayat has power to remove the encroachment upon the land vested with the Gram Panchayat.

Considering on the submissions. The petition is admitted for hearing.

Issue notice to the respondent No.5. Process fee as per rules.

List this case after four weeks.

In the meanwhile, it is ordered that the parties shall maintain status-quo with respect to the disputed land, till the next date of hearing.

Sd/-
(Rajendra Chandra Singh Samant)
Judge