

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 5332 of 2009**

1. Miraj Ali S/o Mohammad Ali, aged 45 years, R/o village Tamjira Tah. Baikunthpur, District Koriya (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Revenue Department, D.K.S., Bhawan, Raipur (C.G.)
2. The Board Of Revenue, Chhattisgarh, Bilaspur (Cg)
3. The Collector, Korea, Distt.-Koriya (Cg)
4. The Sub Divisional Officer (Revenue), Baikunthpur, Distt.-Koriya (Cg)
5. The Naib-Tahsildar, Baikunthpur, Distt.-Koriya (Cg)
6. The Secretary, Priyadarshini Mahila And Sahayak Samooh, Tamjira (Barpara), Tahsil Baikunthpur, Distt.-Koriya (Cg)

---- Respondents

For Petitioner.	:	Shri Sanjay Patel, Advocate
For Respondents 1 to 5.	:	Shri Gary Mukhopadhyay, Dy. G.A.
For Respondent No.6	:	Shir D.N. Prajapati, Advocate.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****11/09/2015**

1. According to the petitioner, he is in possession of the land in question measuring about 440 square feet, which was given to him being a landless person and he has also constructed a small house on the said land.
2. A notice was issued to the petitioner for removal of the encroachment and order was passed under Section 248 of the Land Revenue Code, against which the petitioner preferred an appeal before the Collector and after dismissal of the said appeal, he also filed a revision before the Board of Revenue and Board of Revenue has also dismissed his

revision. It is this order passed by the Board of Revenue which has been assailed by the petitioner in this petition.

3. Counsel for respondent No.6 submits that for the same subject matter, the petitioner has already filed Civil Suit No.9-A/2015 before 1st Civil Judge, Baikunthpur and in the said civil suit, on 30.06.2015, injunction has also been granted in favour of the petitioner. He submits that as the petitioner has already approached the civil Court, petition in its present form is not maintainable.
4. Counsel for the petitioner does not dispute the factual position.
5. In view of the subsequent development of filing of civil suit by the petitioner, this petition is disposed of.
6. Parties are at liberty to contest the civil suit on its own merit.

Sd/-

(Pritinker Diwaker)
JUDGE