

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 781 of 2013**

1. Mrigendra Singhdev, aged about 45 years, S/o Lt. Samar Bahadur Singhdev, Occupation- Advocate, R/o Deviganj Road, Ambikapur, Tehsil & P.S. Ambikapur, District Surguja C.G.
2. Pushp Kumar Singhdev, aged about 50 years, S/o Late Shri Samar Bahadur Singhdev, Occupation - Business, R/o Deviganj Road, Ambikapur, Tehsil & Police Station Ambikapur District Surguja C.G.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary Government Of C.G., Deptt. Of Revenue, Mantralaya, Naya Raipur, P.S. Naya Raipur, Distt. Raipur C.G.
2. Collector, Ambikapur, Tehsil & Police Station Ambikapur, Distt. Surguja C.G.
3. Nazul Officer, Ambikapur, Tehsil & Police Station, Ambikapur, Distt. Surguja C.G.
4. Sub-Divisional Officer (Revenue), Sub-Division – Ambikapur, Tehsil & P.S. Ambikapur, Distt. Surguja C.G.
5. Tehsildar (Nazul), Ambikapur, Tehsil & Police Station Ambikapur Distt. Surguja C.G.

---- Respondents

For Petitioners.	:	Shri R.S. Marhas, Advocate.
For Respondents 1 to 5.	:	Shri Gary Mukhopadhyay, Dy. G.A.
For Intervenor.	:	Shri Manoj Paranjape, Advocate.

Hon'ble Shri Justice Pritinker Diwaker**Order On Board****21/08/2015**

1. Challenge in the present writ petition is to the order dated 20.05.2013 (Annexure P/2) passed by the Tahsildar, Ambikapur, District Surguja directing for dispossessing the petitioners from the land encroached upon by them and also imposing a fine of Rs.100/- each. The warrant of dispossession dated 27.05.2013 (Annexure P/1) issued by the Nayab Tahsildar is also under challenge in this petition.

2. Counsel for the petitioners fairly admits that the order and the warrant of dispossession have been assailed by the petitioners before the Sub Divisional Officer (Revenue), Ambikapur in an appeal filed under Section 44 of the Land Revenue Code. He, however, submits that as the stay granted by this Court on 17.06.2013 in favour of the petitioners is operating, there is no progress in the appeal. In the return filed by the State Government and the application filed by the intervenor, an objection regarding maintainability of the present writ petition has also been raised.
3. Keeping in view the aforesaid aspect of the case, counsel for the petitioner fairly submits that at this stage he may be permitted to withdraw this petition with liberty to pursue his appeal pending before the lower appellate authority. He, however, submits that liberty may be given to the petitioners to raise the other points in the appeal as canvased in this petition, if occasion so arises. He also submits that as the stay granted on 17.06.2013 is operating in favour of the petitioners for more than two years, the same may be restricted for a limited period, and in the meanwhile, the petitioners would file appropriate application for interim relief before the Sub Divisional Officer.
4. Counsel appearing for respondents has no serious objection to the proposition put forth on behalf of the petitioners. He, however, submits that the appellate authority may be directed to decide the pending appeal as expeditiously as possible.
5. Counsel for the intervenor submits that he too may be permitted to raise legal objection before the Sub Divisional Officer, if need be.
6. In view of the submissions made hereinabove, the petitioners are permitted to withdraw this petition. The petitioners, if so desire, may

take additional ground in support of their appeal pending before the appellate authority. This be done within three weeks from today. After raising all those additional grounds, respondents and the intervenor would also be at liberty to file the relevant documents before the appellate authority. In case the petitioners further file application for interim relief, the same would be decided by the appellate authority strictly in accordance with law. The stay granted in favour of the petitioners shall remain in operation till one month from today, and thereafter the parties would adhere to the order passed by the appellate authority.

7. As the dispute appears to be quite old, the appellate authority shall decide the matter as expeditiously as possible preferably within a period of three months from the date of production of copy of this order.
8. It is made clear that nothing has been observed on merit aspects of the case and the appellate authority would be at liberty to decide the appeal strictly in accordance with law considering all the aspects of the case.
9. As already stated, the petition is dismissed as withdrawn with liberty sought for by the petitioners.

Sd/-

(Pritinker Diwaker)
JUDGE