

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1407 of 2015

- Smt. Shantibai W/o Shri Kanhaiya Lal Nagwani Aged About 50 Years R/o Baikunthpur, District Koriya, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Land Acquisition, Mantralaya Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Collector, Baikunthpur, District Koriya (Chhattisgarh)
3. The Nazul Officer, Baikunthpur, District Koriya (Chhattisgarh)
4. Sub Divisional Officer (Revenue) Baikunthpur, District Koriya, (Chhattisgarh)
5. The Tahsildar, Tahsil Baikunthpur, District Koriya, (Chhattisgarh)
6. Raghuwansh Shukla S/o Shri Suryanath Shukla, Aged About 60 Years By Caste Bramhin, R/o Behind Veterinary Hospital, Tahsil Baikunthpur, District Koriya, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. A.K. Shukla, Advocate
For Respondent/State	Mr. Bhaskar Pyasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner has preferred this writ petition seeking a direction to the respondent Collector for holding enquiry to take appropriate steps to remove the encroachment on government land in front of the house of the petitioner to provide her right to way from the front door

and the space may be cleared within stipulated time. Prayer has also been made for taking penal action against the private respondent for his criminal act and violation of existing law.

(3) Admittedly, the petitioner had preferred a Civil Suit (Annexure P/9) seeking declaration of prescription of easement right as also for permanent injunction. It is stated at the bar that the suit has been dismissed for want of prosecution.

(4) In view of the fact that the petitioner has already taken recourse of the remedy of civil suit, the writ petition is not maintainable, as it raises civil dispute between the petitioner and private respondent. If the petitioner so desires, she may move an application for restoration of the civil suit.

(5) With the afore-stated observations, the writ petition is dismissed, as not maintainable.

Sd/-

Judge

(Prashant Kumar Mishra)

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