

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1909 of 2015

- Shrikant Sonkar S/o K.R. Sonkar, Aged About 42 Years By Caste Khatik, R/o Village Pali, Tahsil Pali, District Korba, Civil And Revenue District Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahandi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Collector, Korba, District Korba Chhattisgarh
3. Virendra Kumar Lakda, Tahsildar Pali, District Korba Chhattisgarh
4. Executive Engineer, Pubic Works Department, Korba, District Korba Chhattisgarh
5. Station House Officer, Police Station Pali, District Korba Chhattisgarh

---- Respondents

For Petitioner	Shri Awadh Tripathi, Advocate
For Respondent/State	Shri Bhaskar Payasi, PL

Order On Board By

27/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has preferred this writ petition seeking compensation for the damages caused to him by illegal demolition of the half constructed house on his Bhoomi Swami land bearing Khasra No.524/3.

3. Perusal of the papers filed with the writ petition would indicate that the petitioner had encroached over some part of the government land, for which proceedings under Section 248 of the Chhattisgarh Land Revenue Code, 1959 was initiated. In the said proceedings, it was reported that the petitioner has raised construction on his own land as well as on the government land. It is the stand of the petitioner that not only the construction made on the government land, but the entire construction, including construction made on his own land, has been demolished.
4. It appears, the matter requires adducing of oral as well as documentary evidence including obtaining of inspection report as to whether the construction demolished by the respondent authorities includes the construction made on petitioner's own land. While doing so, the Civil Court would also determine as to what is the exact area constructed by the petitioner, out of which what area was constructed on government land and the remaining on his own land. Such findings cannot be recorded in writ jurisdiction, because it involves disputed questions of facts. It is settled law that the writ Court do not entertain the issues, which involve adjudication of disputed questions of facts, therefore, the writ petition is dismissed as not maintainable, however, liberty is reserved in favour of the petitioner to prefer a duly constituted civil suit.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA