

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1904 of 2015

- Harishanker Vishwakarma S/o Shri Kameshwar Vishwakarma, Aged About 41 Years R/o Sadar Road Agrsen Ward Ambikapur P.S. & Tahsil Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Collector, Surguja (Ambikapur) District Surguja Chhattisgarh
3. The Sub Divisional Officer, Ambikapur District Surguja Chhattisgarh
4. The Tahsildar, Ambikapur District Surguja Chhattisgarh
5. Kshtriya Samaj Agrsen, Through The Prisedent Kshtriya Samaj Agarsen Ward Ambikapur District Surguja Chhattisgarh

---- Respondent

For Petitioner	Mr. A.N. Pandey, Advocate
For Respondent/State	Mr. Arun Sao, Dy. A.G.

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

27/10/2015

Heard.

(2) The petitioner is challenging the allotment of land bearing Khasra No. 2843/2 area 13500 sq. ft. situated at Agrasen Ward, Ambikapur, in favour of respondents vide the order passed by the State Government on 1.05.2007.

(3) Admittedly, the petitioner's father had earlier preferred W.P.(C)

No.3271 of 2010 challenging the action of the Revenue authorities, who were proceeding to remove the encroachment made by him. The documents annexed with the petition would also indicate that the petitioner's father (plaintiff) has filed a suit for declaration that the allotment made in favour of respondent No.5 is null and void.

(4) It appears that after dismissal of the plaintiffs' application under Order 39 Rule 1 & 2 of the CPC, the petitioner has independently filed this writ petition, because for others, there may be an objection that the suit filed by them is pending. However, once it has come to the notice of the Court that a Civil Suit pertaining to the same allotment is pending consideration, it may not be appropriate for this Court to exercise writ jurisdiction. However, it is open for the petitioner to get himself arrayed as co-plaintiff in the pending Civil Suit.

(5) The writ petition is accordingly dismissed, as not maintainable, subject, however, to the afore-stated observation.

Sd/-

Judge

(Prashant Kumar Mishra)

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