

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2237 of 2014

1. Ramkhilawan Dhruv S/o Late Keju Ram Dhruv Aged About 48 Years
2. Ramcharan Dhruv S/o Late Keju Ram Dhruv Aged About 40 Years

Both are R/o Village Mandir Hasoud Tahsil Arang, Police Station Mandir Hasoud, Civil & Revenue District Raipur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya Mahanadi Bhawan New Raipur Police Station Rakhi Dist. Raipur (CG)
2. The Collector Raipur District Raipur (CG)
3. The Additional Tahsildar, Mandir Hasour Tahsil Arang Dist. Raipur (CG)
4. The Manager, Hindustan Petroleum Corporation Limited, Madina Building, 2nd Floor, Medical College Road Tahsil & District Raipur (CG)

---- Respondent

For Petitioner	Mr. C.R. Sahu, Advocate
For Respondent /State	Mr. P.K. Bhaduri, Government Advocate
For Respondent No.4	Mr. Ali Asgar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/1/2016

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

- (2) The petitioner has prayed for a direction to respondent No.3 Additional Tehsildar, Mandir Hasaud to proceed to recover the

possession of the subject land from respondent No.4 and hand it over to the petitioner.

(3) The petitioner claims to be the owner of land bearing Khasra Nos.313/2, 313/3 total area 0.405 hectares at Mandir Hasaud, Tehsil Arang, District Raipur. An ex-parte order under Section 248 of the C.G. Land Revenue Code, 1959 has been passed in his favour by the Additional Tehsildar, Mandir Hasaud on 13.12.2012. Based on this order, the present writ petition has been preferred for execution of the said order.

(4) The Return filed by the State would indicate that a land acquisition award has been passed for the land in question for establishment of Oil Depot at Mandir Hasaud , Raipur on 16.03.1990. Since after passing of the award, the land would vest with the Government, there appears to be a dispute of title in between the petitioner on one side and State Government or the Petroleum Company on the other side.

(5) In view of the above, the writ petition is not maintainable. Accordingly, the writ petition is dismissed, as not maintainable, However, if the petitioner still claims that he is the owner of the property, he would be at liberty to avail the remedy before the Civil Court for declaration of title and obtaining possession of the land.

Sd/-

Judge

(Prashant Kumar Mishra)