

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 772 of 2016**

Kankeyee Bai Wd/o Ghansiram, aged about 65 years, By Caste Kosta, R/o Champa Tahsil and District Janjgir Champa, Chhattisgarh. General Power of Attorney Holder Bhurwaram S/o Anujram Gabel, aged about 60 years, R/o Village Tiur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through District Magistrate, Janjgir, District Janjgir-Champa, Chhattisgarh.
2. Dilo Bai Wd/o Balkrishna Sahu, aged about 70 years R/o Village Tiur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.
3. Chhattar Singh S/o Thandaram Gabel, aged about 55 years R/o Village Tiur, Tahsil Kharsiya, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Shri Anil Kumar Pandey, Advocate
 For Respondent no.1 : Shri Vaibhav Goverdhan, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22/07/2016**

The present petition under Section 482 CrPC has been filed seeking for a specific relief of fixing a time limit for the Sub Divisional Magistrate, Kharsiya, District Raigarh to decide the application pending before it in respect of mesne profit.

2. Apparently there is already an order passed by this Court on 23.10.2013 in Cr.M.P. No.881/2013 wherein this Court while disposing the said petition held as under:

“....the instant petition is disposed of with a direction that the Sub Divisional Magistrate, Kharsiya is under obligation to consider and dispose of the application for return of mesne profit and in case of any necessity to reconstitute the record, if it is missing, then the same shall be

reconstituted at least to the extent of need for disposal of the application.”

3. Thus, in view of the fact that there is already a specific direction passed by this Court to the Sub Divisional Magistrate, Kharsiya for disposing of the said application pertaining to mesne profit, there is no need for a further direction by this Court again invoking the powers under Section 482 CrPC. However, in case the Sub Divisional Magistrate, Kharsiya has not complied with the specific directions given by this Court, the petitioner would be at liberty to take appropriate steps against the SDM, Kharsiya. This Court does not see any reason why the SDM should not comply with the command of this Court made on 23.10.2013.

4. With the aforesaid observation the present Cr.M.P. stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**