

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1834 of 2015

Smt. Savita Mishra W/o Late Uma Shankar Mishra Aged About 64 Years R/o
"Shree" Ward No. 5 Shubhash Chowk, Near Bus Stand Ahiwara, Tahsil
Dhamdha, District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Urban
Administration & Development, Mantralaya, Mahanadi Bhawan, Naya
Raipur, District Raipur Chhattisgarh
2. The Collector, Durg, District Durg Chhattisgarh
3. The Sub Divisional Officer, (Revenue), Dhamdha Headquarters Durg,
District Durg Chhattisgarh
4. The Municipal Council Ahiwara, Through The Its Chief Municipal Officer,
Municipal Council Ahiwara, District Durg Chhattisgarh
5. Chief Municipal Officer, Municipal Council Ahiwara, District Durg
Chhattisgarh

---- Respondents

For Petitioners	:	Shri Anmol Sharma, Advocate
For Respondents No.1, 2 & 3/State	:	Shri B. Gop Kumar, Dy.A.G.
For Respondents No.4 & 5	:	Shri P.R. Patankar, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/03/2016

Heard.

1. By this petition, the petitioner has raised a dispute in the matter which
relates to allegation of encroachment.

2. Respondents have opposed the prayer and according to them the petitioner is encroacher.
3. In the connected Writ Petition (C) No.1596 of 2015, the dispute relates to land in the adjacent area. That petition has already been dismissed by this Court. Considering the totality of the circumstances, it would be appropriate to leave the petitioner to work out civil remedy against the action of respondents, particularly taking into consideration that in respect of adjacent land, four different civil suits have already been filed by the petitioners in WPC No. 1596 of 2015.
4. Therefore, this petition is also dismissed. However, taking into consideration the facts and circumstances of the case, it is directed that for a period of 45 days, demolition shall not take place.
5. It is made clear that this Court has not commented upon the merits of the case. The limited protection of 45 days shall not influence the Civil Court.

Sd/-
(Manindra Mohan Shrivastava)
Judge