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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 1720 of 2016**

1. Surendra Pratap Singh S/o Late Shri Ramraj Singh, Aged About 64 Years  
R/o Ward No. 20, Kurmipara, Bemetara, Distt. Bemetara (Chhattisgarh)
2. Smt. Vidya Devi W/o Shri Surendra Pratap Singh, Aged About 61 Years R/o  
Ward No. 20, Kurmipara, Bemetara, Distt. Bemetara (Chhattisgarh)

**---- Petitioners****Versus**

1. State of Chhattisgarh Through Secretary, Urban Administration Department,  
Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District Raipur  
(Chhattisgarh)
2. Collector, Bemetara, Distt. Bemetara (Chhattisgarh)
3. Nagar Palik Parishad, Bemetara Through Chief Municipal Officer, Bemetara,  
Distt. Bemetara (Chhattisgarh)
4. Priyankar Das S/o Shri Sukriti Ranjan Das, Aged About 35 Years R/o Ward  
No. 20, Kurmipara, Bemetara, Distt. Bemetara (Chhattisgarh)
5. Smt. Iladas W/o Shri Sukriti Ranjan Das, Aged About 65 Years R/o Ward  
No. 20, Kurmipara, Bemetara, Distt. Bemetara (Chhattisgarh)

**---- Respondents**


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| For Petitioners       | : | Shri Sanjay Patel, Advocate         |
| For Respondents-State | : | Shri Arun Sao, Dy. AG for the State |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****11/07/2016**

1. Petitioner has prayed for initiating action against respondents No.4 & 5 and  
to remove boundary wall which they have erected to cover/block the  
entrance gate of the petitioners.
2. *Prima facie* the relief prayed for in the writ petition would require

adjudication of the ownership of the land; demarcation; right of easement etc., therefore, writ remedy is not the appropriate remedy for the petitioners, however, at the same time, if the wall has been erected on any government land, it is the duty of the concerned statutory authority to consider petitioners' representations, therefore, the writ petition is disposed of with a direction that in the event, the petitioners prefer fresh representations before the Municipal Council, Bemetara within a period of one month from today, the said Municipal Council shall decide the representation within a further period of two months.

3. If the representation is decided against the petitioners, they would have liberty to prefer a suit before the jurisdictional civil Court.

Sd/-

Judge  
Prashant Kumar Mishra

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