

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 1028 of 2015**

- Anirudh Sah S/o Late Shri Bijli Sah, Aged About 64 Years
R/o Bhati Road, Kedarpur, Ambikapur Sarguja
Chhattisgarh.....Applicant

---- Petitioner

Versus

1. Jagdish Gupta S/o Dukhi Ram, R/o Badi Bazar, Ratanpur, Tahsil Kota,
District Bilaspur Chhattisgarh.....Non Applicant
2. Lakhan Lal Gupta, S/o Padum Lal Gupta, R/o Village Baniyapara,
Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh.....Non
Applicant

---- Respondents

For Petitioner	:	Shri Malay Shrivastava, Advocate.
For Respondents	:	Shri Goutam Khetrapal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/08/2016**

Present petition arises out of proceedings under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (for short, 'the Code') wherein the petitioner sought the respondents' dispossession from the area under alleged encroachment.

2. Admittedly, the petitioner has also preferred a Civil Suit in the Court of Civil Judge, Class-1, Kota, Dist. Bilaspur, wherein an application for temporary injunction was initially rejected by the trial Court as well as by the

appellate Court. However, in WP227 No.5774/2010, this Court has directed the parties to maintain status quo in all respects with regard to suit property, during pendency of the suit.

3. In view of the above, the present proceedings under Section 250 of the Code cannot be adjudicated on merits in favour of the petitioner till the order passed in WP227 No.5774/2010 remains operative. Since this Court may not pass a contrary order than what has been passed in WP227 No.5774/2010, the present writ petition is also disposed of with direction to the trial Court to expedite the hearing of the suit and make all possible endeavour to dispose off the same at the earliest preferably within period of 6 months from today.

4. Before parting, it requires to be noticed that despite direction issued by this Court on 01.03.2011 in WP227 No.5774/2010 for deciding the suit as early as possible preferably within a period of nine months, the suit is still pending. The trial Court is, therefore, directed to dispose off the suit within 6 months.

5. Compliance report be sent to this Court by the trial Court immediately after expiry of 6 months.

Sd/-
Judge
(**Prashant Kumar Mishra**)