

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2528 of 2016**

- Madhusudan Majumdar S/o Manoranja Majumdar, Aged About 40 Years
R/o Subhashnagar Ambikapur, Tahsil Ambikapur, Distt. Surguja,
(Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Revenue
Mahanadi Bhawan, New Raipur, Distt. Raipur, (Chhattisgarh)
2. The Commissioner, Surguja Division Ambikapur, Distt. Surguja,
(Chhattisgarh)
3. The Collector, Surguja, Ambikapur, (Chhattisgarh)
4. The Sub Divisional Officer, Ambikapur, Distt. Surguja, (Chhattisgarh)
5. The Tahsildar, Ambikapur, Distt. Surguja, (Chhattisgarh)
6. Manoranjan Majumdar, S/o Late Pulin, R/o Subhash Nagar, Ambikapur,
Distt. Surguja, (Chhattisgarh)
7. Jagdish Vishwash, S/o Ashwani Vishwash, Aged About 45 Years R/o
Subhashnagar, P.S. & Tahsil Ambikapur, Distt. Surguja, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri AN Pandey, Advocate
For Respondents-State	:	Shri UNS Deo, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/10/2016**

1. Petitioner would assail the legality and validity of the order passed by the
Board of Revenue, Bilaspur on 02.09.2016, dismissing his review
application, which in turn, was preferred against the order passed by the
Commissioner, Surguja Division, Surguja on 22.09.2015.

2. The matter arises out of proceedings under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code, 1959'). The application under Section 250 of the Code, 1959 was moved by the respondent No.6 seeking petitioner's eviction and for obtaining possession of the land bearing Khasra No.257/4, area 0.14 hectares on the ground that he has purchased the land from respondent No.7 by registered sale deed dated 01.04.2010, therefore, he is entitled to recover possession which is illegally occupied by the petitioner.
3. It is argued that the petitioner has obtained possession of the subject land on the strength of agreement executed in his favour by the mother of respondent No.7 on 22.04.1993, therefore, his possession is neither illegal nor irregular, therefore, proceedings under Section 250 of the Code, 1959 is not maintainable.
4. Having heard learned counsel for the petitioner and perused the documents, it would appear, there exists dispute concerning right to occupy the land. On the one hand the petitioner is claiming right on the strength of agreement dated 22.04.1993, whereas on the other hand respondent No.6 is claiming such right on the strength of sale deed. The matter would ultimately be settled by the jurisdictional civil Court, therefore, if so advised, the petitioner should prefer a civil suit to seek declaration of title and for protection of possession.
5. If the petitioner so desires, he may prefer a duly constituted civil suit within a period of three months. He may also prefer an application for grant of temporary injunction in such civil suit.
6. For a period of three months from today *status quo* in all respects concerning the subject property be maintained by the parties, however, if

civil suit is filed, the trial Court shall not be influenced by this order of *status quo* and shall decide the prayer for grant of temporary injunction on its own merits and on the strength of pleadings made and the documents filed by the parties in support of their respective plea.

7. Accordingly, the writ petition stands finally disposed.

Sd/-

Judge
Prashant Kumar Mishra

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