

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 457 of 2016**

Murli Manohar S/o Late Shyam Lal Aged About 35 Years R/o Industrial Ward,  
P.O. Dhamtari, District Dhamtari Chhattisgarh

**---- Petitioner**

**Versus**

1. The Senior Superintending Engineer South East Railway Management Compound, W.R.S. Colony, Raipur, Chhattisgarh
2. The Estate Officer, South East Railway, Management Compound, W.R.S. Colony, Raipur, Chhattisgarh
3. Union Of India, Through Chief Manager, South East Central Railway, Garden Reach Kolkata, West Bangal,

**---- Respondents**

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Shri Ankit Singhal, counsel for the petitioner/s.  
Shri Abhishek Sinha, counsel for the Railway.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**18/02/2016**

Heard.

1. The petitioner has filed this petition alleging that the petitioner being in long standing possession, is entitled to protect his possession, unless he is evicted in accordance with law.
2. Learned counsel for the petitioner draws attention of this Court to order dated 18.01.2016 passed in WP(C) No.110 of 2016 and batch of petitions, wherein this Court has directed demarcation within stipulated period and protection against demolition till demarcation is carried out. He submits that the petitioner in this petition is also entitled to similar relief.
3. Learned counsel for the respondents submits that vide order dated 18.01.2016, referred to above, respondents have already undertaken the

exercise of demarcation in respect of those petitioners, who had earlier approached the Court. He submits that the demarcation of the land in dispute in the present case shall also be carried out in the same spirit.

4. In cases of similar nature, this Court has already passed an order on 18.01.2016 in batch of petitions. It has been ordered -

“Considering the above settled legal principles and in view of the fact that the petitioners have not placed before this Court any document proving their title or entitlement to remain in occupation of the land, all the writ petitions are disposed of with a direction that the Sub Divisional Officer (R), Dhamtari shall demarcate the area to ascertain as to what exact area is owned by the railways or the State Government. Demarcation shall be carried within a period of one month from today. On the basis of finding on the demarcation, which should be carried on in presence of the petitioners, the railways or the State Government, as the case may be, shall proceed with the removal of encroachment, in accordance with law.

Till the demarcation is carried on or for a period of one month from today, the subject demolition shall remain stayed. The petitioners shall co-operate in the demarcation proceeding, failing which the protection may not inure to their benefit.”

5. In view of the above, this petition is also disposed off in similar terms with the directions that the Sub-Divisional Officer (Revenue), Dhamtari shall demarcate the area to ascertain as to what exact area is owned by the Railways or the State Government. Demarcation shall be carried out simultaneously along with demarcation which has already been ordered by this Court earlier. On the basis of finding on the demarcation, which should be carried on in the presence of the petitioner, Railways or the State Government, as the case may be, shall proceed with the removal of encroachment, in accordance with law. Till the demarcation so directed is carried out, the subject demolition shall remain stayed. This order is being passed subject to the condition that the petitioner shall cooperate in the demarcation proceedings, failing which the protection may not inure to their benefit.

Sd/-

**(Manindra Mohan Shrivastava)**  
**Judge**