

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 280 of 2015**

1. Tek Chand Sahu S/o Late Chamru Ram Sahu Aged About 50 Years R/o Purani Basti, Korba, Tehsil And Dist Korba (Chhattisgarh)
 2. Nutan Singh Thakur S/o B. S. Thakur Aged About 38 Years R/o Purani Basti, Korba, Tehsil And Dist Korba (Chhattisgarh) Through Power Of Attorney Holder Of Petitioner No. 1
- Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary Of Home Department, Mahanadi Bhawan, Naya Raipur, Dist Raipur (Chhattisgarh)
 2. Superintendent Of Police, Dist Korba (Chhattisgarh)
 3. Station House Officer, Police Station City Kotwali, Dist Korba (Chhattisgarh)
 4. Gopal Rai Soni S/o Late Raghunath Rai Soni Aged About 40 Years R/o Lalu Ram Colony, Transport Nagar, Korba, Tehsil And Dist Korba (Chhattisgarh)
- Respondents**

And**WPC No. 2085 Of 2015**

- T. C. Sahu S/o Chamru Ram, Aged About 45 Years R/o Village Purani Basti, Korba, Tahsil And District Korba, Chhattisgarh
- Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary Health And Family Welfare Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, Raipur, Chhattisgarh
 2. The Collector - Korba, District Korba, Chhattisgarh
 3. The Tehsildar, Korba, District Korba, Chhattisgarh
 4. Officer - In - Charge, Co- Coordinator Of Country And Town Planning - Korba, District Korba, Chhattisgarh
- Respondents**

For Petitioner	:	Shri Ashutosh Shukla, Advocate in WPC No.2085/2015 Shri Lalit Jangde, Advocate in WPCR 280/2015
For Respondent/State	:	Shri Arun Sao, Deputy AG. Shri Pramod Verma, Senior Advocate with Shri Vipin Tiwari and Shri Virendra

Verma, counsel appear with Shri A. Lakda, Additional District Magistrate, Korba.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/09/2016

Shri Ashutosh Shukla, learned counsel for the petitioner in WPC No. 2085/2015 would submit that since after the previous order, the Tahsildar, Korba, has delivered possession of the disputed property to the petitioner, therefore, for the present, the cause of action does not survive.

2. In view of above statement made, WPC No.2085/2015 is dismissed as having been rendered infructuous.

3. In WPCR No.280/2015, the same petitioner has prayed for a direction to the concerned police to lodge F.I.R. and proceed to investigate the matter against such members of the locality, who are disturbing the petitioner's possession.

4. It appears, a decree has been passed by the Civil Court and there is a dispute between the petitioner on the one hand and the members of the locality on the other hand. Therefore, it will not be appropriate for this Court, at this stage, to direct the police authorities to register F.I.R. Instead, the concerned police station is directed to make an enquiry and thereafter, if any, cognisable offence found to be committed by any of the persons named in the complaint, the police shall proceed in accordance with law.

5. With the above observation, WPCR No.280/2015 stand disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)