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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2639 of 2016

1. Vikas Kumar Gupta, son of late Saryu Prasad Gupta, aged about 33 years,

2. Vinay Kumar Gupta, son of late Saryu Prasad Gupta, aged about 31 years,

Both are resident of village Bhanwarmal, Tahsil Ramanujganj, District Balrampur-Ramanujganj (CG)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)

2. The Collector, Balrampur, District Balrampur-Ramanujganj (CG)

3. The Tahsildar, Ramanujganj, District Balrampur-Ramanujganj (CG)

4. Station House Officer, Police Station Ramanujganj, District Balrampur-Ramanujganj (CG)

5. Virendra Gupta, son of Arjun Sao,

6. Pankaj Gupta, son of Ramlagan Gupta,

7. Ambika Gupta, son of Parmeshwar Sao,

8. Surendra Singh, son of late Daya Singh,

9. Sanjeet Gupta, son of Subhash Gupta

No.5 to 9 are resident of village Bhanwarmal, Tahsil Rananujganj, District Balrampur-Ramanujganj (CG)

10. Brihaspati Singh, son of Kismat Singh, resident of Ramanujganj, District Balrampur-Ramanujganj (CG)

---- **Respondent**

For Petitioner : Shri Manoj Jaiswal, Advocate.
For Respondent/State : Shri A.S. Kachhawha, Additional AG.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. The petitioners are raising grievance that respondents 5 to 10 are constructing temple over the land owned by the petitioners and despite stay order granted by the concerned Tehsildar, they are proceeding ahead with the construction which is now converted into a community hall. The petitioners have prayed for removal of construction.
2. The petitioners claim that the construction is made on their own land. It appears, the petitioners are required to prefer a suit for declaration of title and grant of permanent injunction for determining as to whether construction is raised on the petitioners' land and whether they are entitled for permanent injunction or not and for the said purpose, the parties would be required to lead evidence both oral and documentary. It may also require issuance of commission to determine the exact area under construction and as to whether the said construction is on the petitioners' land.
3. For all the above stated reasons, the petitioners should avail alternative remedy of preferring a suit. Accordingly, the Writ Petition is dismissed as not maintainable. However, liberty is reserved in favour of the petitioners to prefer duly constituted suit.

Sd/-
Judge
(Prashant Kumar Mishra)