

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 115 of 2017**

Virendra Kumar Pandey S/o Late Kedarnath Pandey, Aged About 30 Years Caste Bramhan, R/o Village Mandour, Jagatpur, Tahsil Pulpur, District Allahabad, Uttar Pradesh, Presently Residing At Ramaiyya Para, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Bastar, District Jagdalpur, Chhattisgarh.
2. Sarwar Alam S/o Jahir Alam, Aged About 44 Years Musalman, R/o Motitalab Para, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondents

For the Petitioner	:	Ms. N.K. Kashyap, Advocate.
For respondent No.1/ State	:	Shri Lav Sharma, P.L.
For respondent No.2	:	Shri P.K. Tulsyan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.08.2017**

1. Heard.

2. Learned counsel for the petitioner submits that the petitioner is the owner of Plot No. 20/1 situated in Street No. 60 of area 830 sqft. at Motitalab Jagdalpur on which a house is constructed. The petitioner entered into an agreement for sale of this property in the year, 2011 with a land broker – Respondent No.2, but the house remained in his possession. The petitioner resides in Allahabad, Uttar Pradesh. He came back to Jagdalpur on 12.12.2005 and found that his house was in a dilapidated condition and the doors of the house, other articles i.e. stove, utensils etc which were kept inside the house were not found. The petitioner came to know that respondent No.2 – Sarwar Alam was the person who has taken all those

articles. On his information, P.S. Kotwali, Jagdalpur filed a complaint i.e. Misc. Criminal Case No. 1 of 2014 under Section 145 of the Cr.P.C. before the Court of Sub-Divisional Magistrate, Jagdalpur. The Executive Magistrate, Jagdalpur passed an order dated 21.7.2016 stating that the matter relates to dispute of title, hence is a subject of jurisdiction of Civil Court and the proceedings were concluded. This order was challenged before the Court of Sessions Judge, Bastar in Criminal Revision No. 37 of 2016, which was dismissed vide order dated 22.12.2016 upholding the order of Executive Magistrate. Hence, this petition.

3. Perused the record.

4. On going through the contents of the documents produced and the submissions made in the petition, it is clear that there is no allegation made by the petitioner that he was dispossessed from his property by respondent No.2. The only allegation is that respondent No.2 has taken away the door frames and other household articles from his house and also has damaged the house of his ownership. This allegation and complaint is totally a different matter and beyond the scope of Section 145 of the Code of Criminal Procedure. Hence, this petition is not fit to be admitted and for this reason the same is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge