

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPCR No. 326 of 2017

- Sohan Lal Soni S/o Gajadhar Prasad Soni, Aged About 60 Years R/o Fazal Bada, Juna Bilaspur, Gandhi Chowk, Bilaspur, District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Home (Police) Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Collector, Bilaspur, District Bilaspur, Chhattisgarh.
3. The Superintendent Of Police, Bilaspur, District Bilaspur, Chhattisgarh.
4. Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.
5. Smt. Pushpa Verma, W/o Rajendra Prasad Verma, R/o Fazal Bada, Juna Bilaspur, Gandhi Chowk, Bilaspur, District Bilaspur, Chhattisgarh. --- **Respondents**

22.11.2017	Mr. Dharmesh Shrivastava, counsel for the petitioner. Mr. Suryakant Mishra, Panel Lawyer, for the State/ Respondents 1 to 4. Learned counsel for the petitioner has drawn attention to the orders dated 28.05.2016 & 27.10.2016 passed by the Tahsildar and affirmed by the S.D.O (Revenue), Bilaspur and contends that respondent no.5 had filed an application for her reinstatement in the land but was refused by the aforesaid orders to be placed in possession of land. It is therefore approved by the Judicial Order that petitioner is in possession of the subject land. It is contended that when the efforts for construction are being made by the petitioner, the police officers of the Police Station City Kotwali intervenes and stops the petitioner for making construction without any authority. A perusal of the order dated 28.05.2016 would show that the application filed by the respondent no.5 for reinstatement with respect to disputed land was dismissed under section 250 of the Chhattisgarh Land revenue Code, 1959. The orders of the SDO and

R a o	Tahsildar show that prayer of petitioner for possession of land was dismissed as also the prayer for providing the police help was dismissed. It appears that respondent No.5 after her defeat before the Revenue Courts has activated the Police to stop the constructions which is proposed to be made by the petitioner. Since it appears that the parties are claiming their right of possession over the property, respondent no.5 is not in possession. She may take recourse to the remedy available to her before the Civil Court. The police authorities cannot stop any construction work unless the specific reasons of dispute of possession exists u/s 145 of the Code of Criminal Procedure. In view of this, it is observed that respondent No.5 shall be at liberty to avail remedy before appropriate Civil Court. The police authorities under the facts and circumstances of the case are directed not to interfere in the matter so as to pass an implied injunction at the behest of any one . It is therefore directed that the State Authorities shall not interfere in the ensuing construction of either of the parties at the behest of anyone whatsoever. With such observation, the petition shall stand dismissed. Sd/- GOUTAM BHADURI JUDGE
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