

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 266 of 2017

1. Dular Singh S/o Late Sitaram Sonkar, Aged About 63 Years
2. Kamla Bai, W/o Shri Dular Singh, Aged About 55 Years

Both R/o Matpuraina, Opposite Ravanbhatha, Ring Road No. 1, Raipur, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Collector, Raipur, District Raipur, Chhattisgarh
3. The Sub Divisional Officer, Raipur, District Raipur (Chhattisgarh)
4. The Tahsildar, Raipur, Tahsil Raipur, District Raipur (Chhattisgarh)
5. Municipal Corporation, Raipur, Through The Commissioner, Near Kalibadi Chowk, Raipur, District Raipur (Chhattisgarh)
6. Pitambar Singh, S/o Shri Chandrika Singh, Aged About 65 Years R/o Matpuraina, Opposite Ravanbhatha, Ring Road No. 1, Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Mr. S.C. Verma, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate
For Respondent/ Corporation	Mr. Pankaj Agarwal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

8/2/2017

1. Heard.
2. The petitioner claims to be a member of Below Poverty Line

Family. He is a lessee of a plot, which is adjoining to the land belonging to respondent No.6.

3. According to the petitioner, respondent No.6 is obstructing with his right to enjoy the leasehold property and is filing litigations one after another since the year 1998, therefore, respondent No.6 deserves to be restrained from filing any fresh litigation as also suitably compensate the petitioner for the expenses and damages, which he has suffered in defending himself in the litigations initiated by respondent No.6.
4. Having heard Mr. S.C. Verma, learned counsel for the petitioner, at length and after giving anxious consideration to his submissions, it appears, for adjudicating the dispute brought before this Court, the parties would be required to lead oral as well as documentary evidence. The question as to whether at all the petitioner has suffered any loss or damages is a disputed question of fact, which needs to be undergone in a properly constituted civil suit and not under writ jurisdiction.
5. For the foregoing, the writ petition is disposed of with liberty to the petitioner to initiate appropriate proceedings against respondent No.6 for compensating the petitioner for the loss suffered by him in defending himself in the litigations initiated at the instance of respondent No.6. Sd/-

Judge

(Prashant Kumar Mishra)