

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1353 of 2017

1. Laxmi Mehra W/o Moolchand Mehra, Aged About 53 Years R/o Ameri, District Bilaspur, Chhattisgarh
2. Biharilal Goyal S/o Omprakash Goyal, Aged About 37 Years R/o Ameri, District Bilaspur, Chhattisgarh
3. Jawahar Laskar S/o Ramphal Laskar, Aged About 52 Years R/o Ameri, District Bilaspur, Chhattisgarh
4. Nitin Dubey S/o Late Shri Ashok Kumar Dubey, Aged About 40 Years R/o Ameri, District Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Commissioner, Bilaspur, District Bilaspur, Chhattisgarh
3. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur, Chhattisgarh
4. The Tahsildar, Sakari, District Bilaspur, Chhattisgarh

---- Respondents

Ms. Anju Ahuja, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/05/2017

This petition has been filed by the petitioner on the apprehension that without acting in accordance with law, without giving any notice, the respondent authorities may proceed to demolish the building of the petitioners.

2. Learned counsel for the petitioner submits that earlier, the Sub-Divisional Officer, Kota has passed an order on 13/07/2015 against the petitioner in respect of the lands in dispute against which, the petitioner filed an appeal before the Additional Commissioner, Bilaspur and vide order dated 15/11/2016, interim order

passed in favour of the petitioner staying the operation of the order of the Sub-Divisional Officer. It is then submitted that one Vijay Diwan filed a Writ Petition (PIL) before this Court registered as WP (PIL) No.62/2017 without disclosing the fact that there exists an interim order in favour of the petitioner and in that writ petition, an order has been passed on 17/04/2017 directing the Secretary, Revenue Department of the State of Chhattisgarh to look into the entire aspects of the relevant matter and issue such directions as are found necessary for protection of Government lands against which the allegations are made in the writ petition. It is submitted that even though the Court has clarified that the Court has not spoken on merits or demerits of the claim of any private individual to any parcel of Government land and left open all the issues, the petitioner is apprehending that despite there being an interim order in favour of the petitioner, the authorities may proceed to demolish the construction because certain markings on petitioner's land have been recently made by the revenue authorities.

3. Learned State counsel submits that the petitioner should bring to the notice of respondents 3 and 4, the interim order passed by the Commissioner and order passed in Writ Petition (PIL) to satisfy the authority that there is no decision on merits and as there is an interim order in favour of the petitioner, the petitioner should not have any apprehension.

4. The petitioner shall place before the Sub-Divisional Officer and Tahsildar, the interim order passed by the Commissioner in appeal. The authority shall duly apply its mind, taking into consideration the observation made in the PIL that the Court has not spoken on merits or demerits of the claim of any private individual to any parcel of Government land and the issues have been left open.

5. The petition is accordingly disposed off.

Since there is already an interim order operating in favour of the petitioner passed by the Commissioner, as long as the interim order is in favour of the petitioner, the authority cannot take any demolition proceedings against the petitioner.

It goes without saying that if any order is passed against the petitioner, the petitioner shall have remedy available to him under law.

Sd/-
(Manindra Mohan Shrivastava)
Judge