

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 928 of 2016

1. Manoj Sinha & Ors. S/o Late Shiv Pujan Prasad Aged About 47 Years R/o Mayapur, Police Station Kotwali, Ambikapur, Tahsil Ambikapur, District Surguja, Chhattisgarh.
2. Smt. Mahamaya Prasad W/o Late Shiv Pujan Prasad Aged About 75 Years R/o Mayapur, Police Station Kotwali, Ambikapur, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Petitioners

Versus

- Indramohan Singh S/o Late Kanta Singh Aged About 80 Years R/o Mayapur, Police Station Kotwali Ambikpur, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Petitioners	:	Shri Vikas Pandey, Advocate.
-----------------	---	------------------------------

For Respondent	Shri S.D. Singh, Govt. Advocate.
----------------	----------------------------------

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/10/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with a prayer to set aside the impugned order dated 20.5.2016 passed by the First Additional Sessions Judge, Ambikapur, District-Surguja in Criminal Revision No.17 of 2016.
2. Respondent filed an application under Section 133 of Cr.P.C. before the Court of Sub-Divisional Magistrate, Ambikapur, on which an order was passed on 14.3.2016 calling for inquiry report from the Revenue Inspector and the police. This order was challenged before the revisional Court by filing a revision which came to be dismissed vide impugned order.

3. It is submitted by learned counsel for the petitioner that Revenue Officer has prepared inquiry report according to which construction is being raised on the land under the ownership of the petitioner. Hence, no question arises about occurrence of any public nuisance.
4. Learned counsel for the respondent submits that this petition has been brought at premature stage because the case is still under inquiry before SDM, City- Ambikapur. Hence, the petition be dismissed.
5. Heard both the parties and perused the documents on record.
6. The order dated 14.3.2016 passed by SDM, City Ambikapur is by itself an interlocutory order, it is not even an order to be regarded as preliminary order, as provided under Section 133 of Cr.P.C. After submission of report by Revenue Officer and the police officer, the Court of SDM, City Ambikapur has yet not considered the reports and passed any order.
7. In these state of things, it is apparently clear that the revision and this petition have been brought at a very premature stage, without there being any order passed by the concerned authority of which legality, propriety and correctness can not be adjudged.
8. For these reasons, this petition does not deserve to be admitted and liable to be dismissed at the motion stage.
9. The petition is, accordingly, dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE