

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 366 of 2017**

1. Khemraj Puri S/o Late Gada Puri, Aged About 56 Years R/o Village Mahadevpali, Tehsil Dabhra, Revenue And Civil District Janjgir-Champa, Chhattisgarh
2. Harishankar Puri S/o Late Gada Puri, Aged About 54 Years R/o Village Mahadevpali, Tehsil Dabhra, Revenue And Civil District Janjgir-Champa, Chhattisgarh

---- Appellants**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, Civil And Revenue District Raipur, Chhattisgarh
2. Collector, Janjgir-Champa, Civil And Revenue District Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dabhra, Revenue And Civil District Janjgir-Champa, Chhattisgarh
4. Tehsildar, Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh
5. Purushottam Puri S/o Bhuneshwar Puri, Aged About 60 Years R/o Village Mahadevpali, Tehsil Dabhra, Revenue And Civil District Janjgir-Champa, Chhattisgarh

---- Respondent

For Appellants : Shri Surfaraj Khan, Advocate.
For Respondent/State : Shri A.S. Kachhawaha, Additional AG.

Hon'ble Shri Ajay Kumar Tripathi, CJ &
Hon'ble Shri Prashant Kumar Mishra, J

Judgment On Board By Ajay Kumar Tripathi, CJ

23/07/2018 :

1. Heard learned counsel for the parties.
2. This Appeal has been preferred against the order dated 4.9.2017 passed by the learned Single Judge, who has dismissed the writ application, refusing to entertain the submission that there was duty and obligation upon the Sub Divisional Officer (Revenue), Dabhra, to refer the dispute with regard to ownership of the land and thereby quantum of compensation payable to the owners.
3. The object behind such reference is to enable the Civil Court to decide ownership or title as to who should be the rightful claimant of the compensation. However, in the present case, learned Single Judge has taken note of and we are satisfied that this issue has already been answered against the present appellants in a civil suit filed by them. Copy of the said judgment and decree is part of the writ record.
4. Once ownership or title has already been decided by the civil Court, the same issue is not required to be referred to be decided again and again only because the appellants have lost out before the civil Court establishing their case that they had rightful interest in one of the plots of land, which has not been found to be so by the civil Court.

5. We are satisfied that the learned Single Judge has committed no error in dismissing the writ application.
6. For the foregoing, the Writ Appeal being devoid of any substance deserves to be and is hereby dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge

Barve