

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPC No.667 of 2018**

Hardeep Singh, Aged About 46 years, S/o. Mahindra Singh, Proprietor-Mahendra Poultry Farm, Dharampura, District Raipur (CG), R/o. 1/10 Govind Nagar, Near New Bus Stand, Gurudwara Road, Raipur, District Raipur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Urban Administration, Department of Town and Country Planning, Mantralaya, Mahanadi Bhawan, New Raipur, Raipur (CG)
2. Collector, Raipur, District Raipur (CG)
3. Sub Divisional Magistrate, Raipur, District Raipur (CG)
4. Sub-Divisional Officer (Revenue), Raipur, District Raipur (CG)

---- Respondents

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| For Petitioner  | : | Mr.Kishore Bhaduri, Advocate |
| For Respondents | : | Mr.Arun Sao, Dy.A.G.         |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

19/3/2018

1. The petitioner has called in question the proceedings initiated against him by the Sub-Divisional Magistrate, Raipur under Section 133 of the Code of Criminal Procedure, 1973 (hereinafter called as "CrPC") as well as proceedings initiated under Section 172 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter called as "Code").
2. Mr.Kishore Bhaduri, learned counsel for the petitioner, would submit that two folds proceeding have been initiated against the petitioner to evict him from the premises in question, which is unsustainable and bad in law. He would further submit that merely because poultry farm is situated near the officers colony, the petitioner cannot be evicted.
3. I have heard learned counsel for the petitioner and perused the documents appended with the writ petition.

- 4.** In the proceeding under Section 133 of the CrPC, the petitioner has already appeared and submitted to the jurisdiction of that Court and even sought time to file reply on 16.1.2018, thereafter filed reply which is Annexure P/4 along with the writ petition. It is for the concerned Magistrate to consider the reply and to take appropriate decision. This Court would not interfere at preliminary stage. The proceeding (s) initiated by the Sub-Divisional Magistrate cannot be said to be without jurisdiction. So far as second proceeding which has been initiated by the Sub-Divisional Officer (Revenue) is concerned, it has been initiated by the Sub-Divisional Officer (Revenue), Raipur under Section 172 of the Code. The petitioner is at liberty to file reply. No such ground is made out to interfere in the said show-cause notice. Thus, only submission to quash these proceedings is that multiple proceeding has been initiated against the petitioner, which has no merit in the considered opinion of this Court.
- 5.** Reliance of WPC No.1866 of 2016 has been placed. In that case, the petitioner is not a party. That writ petition has been filed against the final order passed under Section 133 of the CrPC. It is of no help to the petitioner.
- 6.** Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)  
Judge

B/-