

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 317 of 2018

1. Dhan Bai W/o Roshan Navrag, Aged About 33 Years R/o Village Chlifi, Police Station Chilfi, District Kabirdham Chhattisgarh.
2. Roshan Navrag, S/o Dhanush Navrag, Aged About 35 Years R/o Village - Chlifi, Police Station Chilfi, District Kabirdham Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through Collector, Collector Office Kawardha, District Kabirdham Chhattisgarh.
2. Chandra Pratap Singh, S/o Khelan Singh, Aged About 41 Years Village Dharampura, Police Station Pipariya, At Present R/o G. Shyam Nagar, Ward No. 08, Kawardha, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Respondents

For petitioners –Shri Vikram Dixit, Advocate.
For State- Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2018

Heard.

1. Instant petition is against issuance of notice by the executing court on a decree passed in a Lok Adalat.
2. Learned counsel for the petitioner would submit that as per Lok Adalat certain land which were acquired by the National Highway Authority it was agreed that defendant No.1 therein i.e. petitioner herein shall receive compensation amount and out of the compensation amount Rs.6,50,000/- would be paid. He further submits that subsequently National Highway Authority has stated that they do not want to acquire land. In view of this decree is not executable.
3. It appears that the petitioner/defendant has directly jumped before this court under Article 227 of Constitution of India. They can very well appear before the executing court and apprise this fact that decree cannot

be executed as pre-condition of the decree has not been fulfilled. At this stage interference by this court will lead to collection of the evidence and the facts which this court is not inclined to exercise power vested under it under Article 227 of Constitution of India. Petitioner shall be at liberty to move suitable application before the executing court apprising this fact.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE