

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1019 of 2018**

Jagdish Phutane S/o. late Sitaram Phutane, Aged about 67 years, R/o. House No.41/1522, near Vegetable Market Tikrapara, Shahid Brigadier Usman Ward No.55 Raipur, Distt. Raipur (CG)

-----Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Department of Urban Administration and Development, Mantralaya, Mahanadi Bhawan Naya Raipur, District-Raipur (CG)
2. Zonal Commissioner, Zone No.4 Municipal Corporation, Raipur, Distt-Raipur (CG)
3. Municipal Corporation, Raipur through the Commissioner, Raipur, Distt. Raipur (CG)

---- Respondents

For Petitioner	:	Mr.Akhand Pratap, Advocate
For Respondent No.1	:	Mr.D.R.Minz, Dy.G.A.
For Respondents No.2 & 3	:	Mr.Pankaj Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/04/2018

1. Learned counsel for the petitioner would submit that the petitioner has not made encroachment on the government land and with due permission, he has made construction.
2. On the other hand, learned counsel for respondents No.2 and 3 would submit that the petitioner is encroacher and he has made construction on the government land.
3. Since house has already been constructed over the land in question and dispute appears to be civil in nature and considering the prayer

made by the petitioner, it would be expedient to relegate the petitioner to avail the remedy of civil suit before the jurisdictional Civil Court.

4. Accordingly, two weeks' time is granted to the petitioner to file civil suit before the jurisdictional Civil Court and for the period of two weeks, there shall be no demolition on the house in question. It is made clear that this Court has not expressed any opinion on merits of the case.
5. With the aforesaid observation, the writ petition finally stands disposed off. No cost(s).

Certified copy today.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-