

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.1018 of 2018**

Ishwar Ram son of Shri Santram Satnami, aged about 50 years, R/o Ward No.14, Nagar Panchayat Bhakhara-Bhatheli, Tahsil Kurud and Dist-Dhamtari (CG)

-----Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya New Raipur, Distt. Raipur (CG)
2. The Collector, Dhamtari, District-Dhamtari (CG)
3. The Sub Divisional Officer, (R)/Land Acquisition Officer, Dist. Dhamtari (CG)
4. The Additional Tahsildar, Bhakhara, Tahsil Kurud, Dist.-Dhamtari (CG)
5. The Chief Municipal Officer, Nagar Panchayat Bhakhara, Tahsil-Kurud,. Distt.Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.R.S.Patel, Advocate
For Respondents No.1 to 4	:	Mr.D.R.Minz, Dy.G.A.
For Respondent No.5	:	Mr.Dharmesh Shrivastava, 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 respondent No.5 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/-