

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1900 of 2018**

Arvind Singh, S/o Ragunand Singh, aged 45 years, R/o Near Siv Ghat, Old Sarkanda, Tahsil and District – Bilaspur (C.G.)

----Petitioner

Versus

1. State of Chhattisgrh, through Secretary, Urban and Rural Administration Department, Mahanadi Bhwan, Mantralaya, Nayar Raipur (C.G.)
2. Municipal Corporation, Bilaspur (C.G.) through its Commissioner, Municipal Corporation, Bilaspur (C.G.)
3. Commissioner, Municipal Corporation, Bilaspur (C.G.)
4. Collector, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner	: Shri Malay Kumar Shrivastava, Advocate.
For Respondents No. 1 & 4/State	: Shri Arun Sao, Dy. Advocate General.
For Respondents No. 2 & 3	: Shri Anumeh Shrivastava, Advocate.
For intervenor	: Shri Chandresh Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/07/2018

Heard.

(1) Learned counsel appearing for the petitioner would submit that respondents No. 2 & 3 – Municipal Corporation, Bilaspur are constructing the concrete road upon the land of the petitioner and, therefore, they may be restrained from making construction over the petitioner's land.

(2) Learned counsel appearing for respondents No. 2 & 3 would submit that appropriate remedy of the petitioner is to file civil suit and to claim temporary injunction

in that suit.

(3) Shri Chandresh Shrivastava, learned counsel appearing for the intervenor would submit that the petitioner had already filed a civil suit No.54-A/2016 against one Vijay Pandey and the Chhattisgarh State Electricity State Distribution Company, in which application for temporary injunction filed by the petitioner has already been rejected on 02.05.2016.

(4) I have heard learned counsel appearing for the parties and perused the material available on record.

(5) Though the petitioner has not disclosed about the earlier Civil Suit filed by him before the Jurisdictional Civil Court but from the documents filed by Shri Chandresh Shrivastava, counsel for the intervenors, it is apparent that the civil suit filed by the petitioner claiming declaration of title and permanent injunction with regard to the subject land bearing Khasra Nos.393/1 & Khasra No. 393/3 is pending consideration before the jurisdictional civil court and in which, application for temporary injunction filed by the petitioner has already been rejected.

(6) As per petitioner's own showing, his title over the subject land is doubtful, which is pending adjudication before the jurisdictional civil court, in the considered opinion of this court, appropriate remedy for petitioner is to raise such dispute before the jurisdictional civil suit as the civil suit is already pending consideration. This Court cannot investigate the disputed question of facts particularly the title over the subject land, as such, writ petition is liable to be dismissed. Accordingly, it is dismissed.

(7) However, the petitioner is at liberty either to raise dispute in the civil suit already

filed or to file fresh civil suit for redressal of his grievance. Application for temporary injunction, if filed by the petitioner in the fresh suit, shall be considered expeditiously.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

