

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 1684 of 2017

Smt. Indira Sahu W/o Bhagwat Prasad Sahu, Aged About 65 Years R/o Behind Ganj Kharsiya, Tahsil Kharsiya, District Raigarh Chhattisgarh,
Chhattisgarh --- **Petitioner**

Versus

1. Govind Ram Dewangan S/o Late Mayaram Dewangan Aged About 65 Years R/o Kostapara Palace Road Raigarh Tahsil and District Raigarh, Chhattisgarh
2. Vidyadhar S/o Late Maya Ram Aged About 58 Years R/o Kostapara Palace Road Raigarh Tahsil And District Raigarh , Chhattisgarh
3. Bhupendra Dewangan S/o Late Rohini Kumar Aged About 32 Years R/o Kostapara Palace Road Raigarh Tahsil And District Raigarh , Chhattisgarh
4. Dilip Kumar Jaiswal S/o Bhojram Aged About 52 Years R/o Behindof Village Boirdadar, Malidipa, Raigarh Tahsil and District Raigarh , Chhattisgarh
5. Smt. Sunanda Jaiswal, W/o Dilip Jaiswal Aged About 47 Years R/o Behindof Village Boirdadar, Malidipa, Raigarh Tahsil and District Raigarh, Chhattisgarh
6. Shishir Verma S/o B. K. Verma R/o Shriram Colony Beladula Raigarh, Tahsil and District Raigarh, Chhattisgarh
7. B. R. Pandey S/o Late S. S. Pandey, R/o Chakradhar Nagar, Banglapara Raigarh, Tahsil And District Raigarh , District : Raigarh, Chhattisgarh
8. State of Chhattisgarh Through The District Magistrate, Raigarh, District Raigarh Chhattisgarh --- **Respondents**

20.02.2018	Mr. Sunil Sahu, Counsel for the petitioner. Mr. Suryakant Mishra, Panel Lawyer for the State. The instant petition is against the order dated 22.08.2017 passed by the Second Additional Sessions Judge, Raigarh whereby the order dated 06.02.2017 passed by the JMFC, Raigarh was affirmed and the complaint preferred by the petitioner under sections 420, 465, 467, 468, 471 read with section 120 (b)/ 34 of IPC was dismissed. Learned counsel for the petitioner would submit that the petitioner has purchased the land bearing Khasra No. 42/02

admeasuring 0.55 Hectares from respondents 1 to 3 herein. Thereafter, she was placed in possession. Subsequently on 29.03.2011 another sale was executed by the respondents No. 1 to 3 wherein respondent No. 4 Dilip Kumar Jaiswal was shown as purchaser and though the land was not existing on the spot, the agreement was executed thereby forged documents were prepared. Consequently, the complaint was registered as there was sufficient material before the court to register the same.

Perused the order and the documents filed along with the petition. The order records that in the land in question i.e. Khasra No. 42/02 certain plots were carved out and were sold to different persons. The order also records that when the properties were sold to different persons claiming possession, the dispute arose for which demarcation was carried out and the dispute is existing between the purchasers. The petitioner herein has claimed that after purchase in the year 1999, she was in exclusive possession of the property and as per the demarcation report given on 24.06.2011 the land of Indira Sahu petitioner herein was found to be safe and existing. The order also records that the purchasers subsequently tried to encroach upon the land of each other which led to dispute. The order records that after the first demarcation was carried out in case No. A-10/2010-11, another demarcation was further carried out on 24.12.2012 wherein the petitioner was found to have encroached the land of 50.8 square feet of Khasra No. 43/25. Therefore it appears that there are series of questions regarding identity of the property and possession of the lands which can only be decided by a competent civil court. Therefore, on perusal of the order, I do not find any illegality in the

orders dated 22.8.2017 & 06.02.2017 passed by both the the courts below warranting interference by this Court.

Accordingly, this petition has no merit and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**

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