

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 194 of 2018**

- Dilip Agrawal S/o Shri Kanhaiya Agrawal Aged About 52 Years R/o Nehru Ward Bhatapara Near Mahasati Mandir Tahsil Bhatapara District Baloda Bazar Bhatapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home Department Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
 2. Inspector General Of Police Raipur, District Raipur, Chhattisgarh
 3. Superintendent Of Police, District Balodabazar Bhatapara, Chhattisgarh
 4. Sub Divisional Officer (Police) Bhatapara, District Balodabazar Bhatapara, Chhattisgarh
 5. Station House Officer, Police Station Bhatapara (Town) District Baloda Bazar Bhatapara, Chhattisgarh
 6. Anup Agrawal S/o Late Shri Rammurti Agrawal,
 7. Bharat Agrawal, S/o Late Shri Rammurti Agrawal
 8. Swarup Agrawal S/o Late Shri Rammurti Agrawal,
- No.5 to 7 are R/o Shankar Ward Near Old Post Office, Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh
9. Ghanshyam Sharma S/o Late Shri Matadin Sharma R/o Balbhadra Ward Bhatapara Infront Of Main Hindi School, Bhatapara District Balodabazar Bhatapara, Chhattisgarh
 10. Krishna Kumar Dhruv (Patwari) S/o Late Shri Keju Ram Dhruv, R/o Behind High School, Bhatapara At Present Posted At Suhela Tahsil Office, District Baloda Bazar Bhatapara, Chhattisgarh
 11. Komal Chand Koshle Patwari At Present Posted At Simga, District Balodabazar Bhatapara, Chhattisgarh

---- Respondents

For Petitioner : Shri Shikhar Sharma, Advocate

For Respondents/State : Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/03/2019

1. Heard.

2. The present petition has been filed claiming following reliefs:-

“10.1 That, this Hon'ble Court may be pleased to pass an order to direct the respondent authorities for making fresh investigation in the case and to take proper legal action against the respondent No.6 to 11 for the offence committed by them by constituting the Special Investigation Team headed by the officer not below the rank of D.S.P.

10.2 Any appropriate writ, direction or order may also kindly be passed in favour of the petitioner, which this Hon'ble court deems fit in the circumstances of the case.”

3. It is contended that the present petitioner is claiming property through one Raghuwar Dayal, who was the brother-in-law of his grandfather Heera Lal. It is stated that the Khasra No.287/3, the part of the property was purchased by Raghuwar Dayal and respondents No.6 to 8 over and excess land, which was actually owned by them got the land mutated in their names and thereafter enveloping the land of the petitioner sold the same in favour of respondent No.9. It is further stated that the enquiry was conducted, wherein it was found that the land which was sold to respondent No.6 to 8 was over & excess to the actual holding. It is further contended that when the Panchnama for demarcation was called for, two different persons i.e. respondent No.9 and the petitioner have claimed their right over the property in question, however, the demarcation could not be carried out, therefore, by playing fraud respondents No.6 to 8 have sold the excess land, which do not belong to them.

4. The reply of the State would show that after conducting the enquiry, the police officer came to a finding that the petitioner himself was unable to prove the

ownership over the land and closure report has been filed. The copy of the closure report is placed for perusal. The closure report is yet to be accepted by the learned JMFC, therefore, under the circumstances directing the order of investigation afresh will amount to usurping and will amount to overreach the procedure of enquiry and the finding arrived at for the enquiry held. The petition is premature at this stage. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu