

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.982 of 2017

Durjan Satnami, S/o Firanta Satnami, aged about 55 years, R/o Village Singhanpuri, Police Station Nawagarh, District Bemetara (C.G.)

---- Petitioner

Versus

1. Netram, S/o Kanglu Sahu, R/o Village Marka, Police Station Nawagarh, District Bemetara (C.G.)
2. State of Chhattisgarh, through the District Magistrate, Bemetara, District Bemetara (C.G.)

---- Respondents

For Petitioner: Miss Sharmila Singhai, Advocate.

For Respondent No.1: Mr. Vaibhav A. Goverdhan, Advocate.

For Respondent No.2 / State: -

Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/05/2019

1. In a proceeding under Section 145 of the CrPC initiated by the petitioner herein, the Sub-Divisional Magistrate on 30-3-2016 by its final order has held that respondent No.1 herein is in possession of the suit land and the petitioner will not interfere in his possession which was upheld by the revisional Court, but the revisional Court has given liberty to file a civil suit for declaration of title and permanent injunction and also granted liberty to get the suit land demarcated.
2. Learned counsel for the petitioner, after arguing for fairly long time, submits that the petitioner be granted permission to avail the remedy already granted by the revisional Court and meanwhile, interim order granted by this Court on 3-8-2017 be extended for a further period of six weeks.

3. On the other hand, learned counsel for respondent No.1 would oppose the submission.
4. I have heard learned counsel for the parties, perused the impugned order and copies of other documents with utmost circumspection.
5. Taking into consideration that the petitioner is ready and willing to get his suit land demarcated and thereafter, to avail the remedy of civil suit, as granted by the revisional Court, it would be expedient to permit the petitioner to avail the remedy as granted by the revisional Court in para 16 of its order. It is ordered accordingly. However, since the interim order is operating since 3-8-2017, it would remain in operation for a further period of six weeks from today.
6. With this observation, the petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma