

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 282 of 2019

1. State of Chhattisgarh, Through- The Collector, Surajpur, District -Surajpur (C.G.)
2. General Manager, Through- District Trade and Industry Centre, Ambikapur, District -Surguja (C.G.)
3. General Manager, Through- District Trade and Industry Centre, Surajpur, District- Surajpur (C.G.)

---- Appellants

Versus

1. Silbina Ekka, W/o- Karam Sai Ekka, Aged about- 40 years, Caste - Uraon, Occupation- House Work, R/o- Village Ajirma (Shantinagar), Tahsil and District- Surajpur (C.G.)
2. Santish Soni, S/o- Late Baijnath Soni, Aged about- 40 years, Occupation- Business, R/o- Village Ajirma (Shantinagar), Tahsil and District- Surajpur (C.G.)

---- Respondents

For appellants/State : Mr. Raghvendra Verma, Govt. Advocate
For Respondent No.1: Ms. Priyanka Mehta, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

24/09/2019

1. This first appeal is preferred against the judgment/decreed dated 4th September, 2018 passed by First Additional District Judge, Surajpur (C.G.) in Civil Suit No. 35-A/2015, wherein the said Court ordered that respondents No. 1 and 2 shall not be dispossessed from land bearing survey No. 259/2017, area admeasuring 2.80 acres situated at Village- Ajirama, Patwari Halka No. 36, Tahsil & District- Surajpur (C.G.) without following the due process of law.
2. The trial Court recorded finding that respondents No. 1 and 2 have encroached the land in question, therefore, no decree for

permanent injunction can be passed in favour of them. The appellant has all the right to take legal action against respondents No. 1 and 2 for removal of encroachment as per law of the land.

3. Learned counsel for the appellants submits that they will follow the procedure for removal of encroachment, thereafter, they will execute the order in due process of law.
4. It appears that there is no issue between the parties and appellant is entitled for removal of encroachment as per the law. The appellant will take action against respondents No. 1 and 2 as per due process, therefore, the decree passed by the trial Court is not liable to be interfered with.
5. Accordingly, the instant first appeal is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge