

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 458 of 2018

Nishat Kosar W/o Mohammad Ismail Qureshi, Aged About 45 Years
R/o C - 50, Basant Vihar, Secl, Bilaspur, P.S. Sarkanda, District
Bilaspur Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh the Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Collector, Korba, District Korba Chhattisgarh
3. Superintendent of Police, Korba, District Korba Chhattisgarh.
4. Station House Officer Police Station Pali, District Korba Chhattisgarh.
5. Sub Divisional Officer, Katghora, District Korba District : Korba, Chhattisgarh
6. Tahsildar, Pali, District Korba District : Korba, Chhattisgarh
7. Jai Shankar Uraon, Special Assistant (Deputy Collector) To The Ministry of Schedule Caste And Schedule Tribe, Development Department And School Education Department, R/o C - 3, Forest Colony, Raja Talab, Raipur, District Raipur Chhattisgarh.
8. Dinesh Thakare S/o Late Basant Thakare, R/o Village Bandhakhar, Tahsil Pali, District Korba Chhattisgarh.
9. Asha Ram S/o Gushu Gond, R/o Village - Bandhakhar, Tahsil Pali, District Korba Chhattisgarh.
10. Pratap S/o Nandu Gond R/o Ratanpur, District Bilaspur Chhattisgarh.

--- Respondents

For the petitioner : Smt. Hamida Siddiqui, Adv.

For the State : Mr. Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.01.2019

1. The present petition has been filed alleging that the petitioner had purchased the property bearing Kh.No.693/15 ad-measuring 0.52 decimal at village Badhakhar, P.H. No.27, Revenue Circle Pali, Tahsil Pali, Distt. Korba as per annexure

P-1. it is contended that the petitioner had purchased the property in the year 2006 by registered sale deed and thereafter she was in peaceful possession and enjoyment of the said property which was surrounded by boundary walls. It is stated that on 06.07.2018, 3 persons Dinesh Thakare, Asha Ram & Pratap broke opened the boundary wall and started construction by encroaching upon the part of the land. Thereafter, in order to give it a communal colour idol of Lord Hanuman was placed in the boundary wall so as to restrain the petitioner to claim her property. It is contended that proceedings u/s 145 of Cr.P.C., have been initiated and since few of the respondents have installed the idol of Lord Hanuman as such it is being given communal colour and despite the report made, nothing transpired and no one came to help the petitioner. Hence the instant petition seeking appropriate direction.

2. Perused the reply of the State wherein it is contended that proceedings u/s 145 of Cr.P.C., have been initiated. In respect of the said claim both the owners are claiming the possession and title over the said land.
3. Perused the document and various complaints as also the Panchnama, report made by the petitioner including photographs. A perusal of the photographs prima facie show that on the boundary wall one platform has been made and idol of Hanuman has been placed thereon. Under the circumstances, before the issue aggravates and inflates a direction is necessary to avert the untoward incidents as the photographs reveal that at the boundary wall the idol of Hunaman has been installed which may lead to further

communal inharmony by shelving the case pending u/s 145 of Cr.P.C.

4. Therefore, under the circumstances, it is directed that if still both the parties are claiming possession of the said property, the proceeding initiated by the State u/s 145 Cr.P.C., may be decided within a further period of six months. Further in order to avoid communal intolerance or clash in future. The idol of the Lord Hanuman be removed from the disputed place and may be kept in safe custody in any near temple so that either of parties may not take advantage and give picture of communal dispute to derail the proceeding of section 145 of Cr.P.C.
5. With such observation/direction, this petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**