

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 968 of 2012**

1. Meghashyam Kashyap, S/o. Late Shri Jhumuklal Kashyap, aged about 68 years,
2. Hemant Kumar Kashyap, S/o Shri Meghashyam Kashyap, aged about 35 years,

(Name has not mentioned in impugned order dated 10/09/12)

Both Are R/o. Village Medesara, Police Station- Nandani Nagar, Tahsil – Dhamdha, District Durg (C.G.)

----Petitioners/Non-applicants

Versus

1. Ramakant Kashyap, S/o. Late Shri Narayan Singh Kashyap, aged about 42 years, R/o Village Medesara, Police Station – Nandani Nagar, Tahsil – Dhamdha, District Durg (C.G.)
2. State of Chhattisgarh, through the Sub-Divisional Magistrate, Durg (C.G.)

---- Respondents.

For Petitioners	: Mr. Paras Mani Shriwas, Advocate.
For Respondent No. 1	: Mr. Bharat Rajput, Advocate.
For Respondent No. 2	: Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/04/2019

(1) In a proceeding under Section 133 of the Code of Criminal Procedure (henceforth, “Cr.P.C.”) initiated by respondent No.1 – Ramakant Kashyap, Sub Divisional Magistrate, Durg directed the petitioner herein not to disturb the use of the public Well by the villagers for fetching and drinking water. The petitioner preferred criminal revision thereagainst. That was also dismissed by the revisional Court by affirming the order of Sub Divisional Magistrate, against which instant petition under Section 482 of the Cr.P.C. has been

preferred.

(2) I have heard learned counsel appearing for the parties and perused the material available on record with utmost circumspection.

(3) It appears that the petitioner has also filed civil suit being Civil Suit No. 198 / 2015 in the Court of Civil Judge, Class II, Durg for declaration of title, recovery of possession and permanent injunction. According to the parties, that suit has been dismissed and first appeal preferred thereagainst is pending consideration before the First Appellate Court.

(4) Be that as it may, the petitioners are at liberty to make application for modification / recall of the order dated 30.11.2011 passed by the Sub Divisional Magistrate, Durg upon conclusion of first appeal preferred by the petitioner. In the event of filing such an application, the same shall be considered and decided in accordance with law.

(5) With the aforesaid liberty, the Cr.M.P. stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

