

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1738 of 2018**

1. Heeralal S/o Faguram Nishad Aged About 50 Years R/o Village Sarangpur, Police Station Dadhi, Tahsil & District Bemetara, Chhattisgarh.
 2. Fekan Bai W/o Sakharam Nishad Aged About 48 Years R/o Village Sarangpur, Police Station Dadhi, Tahsil & District Bemetara, Chhattisgarh.
- Petitioners**

Versus

1. State of Chhattisgarh through Collector, Bemetara, District Bemetara, Chhattisgarh.
 2. Executive Magistrate / Sub Divisional Officer (R), Bemetara, District Bemetara, Chhattisgarh.
 3. Bisahu Rajput S/o Bhagau Rajput Aged About 61 Years Occupation Agriculturist, R/o Village Sarangpur, Police Station Dadhi, Tahsil & District Bemetara, Chhattisgarh.
- Respondents**

For the petitioner	:	Mr. Ajit Singh, Advocate.
For the State	:	Mr. Bharat Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.01.2019**

1. The present petition is against the order dated 13.07.2018 passed by the Addl. Sessions Judge, Dhamtari in Cr.Rev. No.20/2018 wherein the Revisional Court has directed the respondent Hiralal (petitioner no.1 herein) to hand over the possession to petitioner Bisahu (respondent no.3 herein). A perusal of the initial order of the SDO dated 11.05.2018 which was turned down in Revision on u/s 145 of Cr.P.C., records that Hiralal and Fekan Bai are in possession of the suit land prior to two months of passing of the interim order dated 26.07.2017. which has been set aside by the revisional

Court by order dated 13.07.2018.

2. Learned counsel for the petitioner would submit that the effect of such order dated 13.07.2018 would lead to dispossess the petitioner, therefore, in such case he wants to withdraw this petition with liberty to avail remedy u/s 6 of the Specific Relief Act, 1963. Section 6 of the Act postulates that if the person has been dispossessed without his consent of the immovable property then he may file suit within a period of six months from the date of dispossession.
3. Taking into consideration the facts of this case, since the dispossession order has been passed on 13.07.2018 and the petitioner has all the remedy to seek redressal of his grievance u/s 6 of the Specific Relief Act, the petition is dismissed as with drawn with liberty to the petitioner to avail appropriate remedy as available to him u/s 6 of the Specific Relief Act.

Sd/-

**GOUTAM BHADURI
JUDGE**