

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 4103 OF 2019**

1. Ghulam Warsi S/o Saidu Mohammed, Aged About 57 Years, R/o Beedpara, Raigarh, District Raigarh, Chhattisgarh.
2. Khalil Warsi S/o Saidu Mohammed, Aged About 53 Years, R/o Beedpara, Raigarh, District Raigarh, Chhattisgarh.

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)
2. Nazul Officer, Raigarh, District Raigarh (CG)
3. Mohammed Anwar S/o Mohammed Khan, Aged About 40 Years, R/o Beedpara, Raigarh, District Raigarh (CG)
4. Roshan Ara W/o Late Ramjan Khan, R/o Mominpara, Ambikapur, District Surguja (CG)
5. Ismat Ara W/o Mohammad Tahir, R/o Village Siyarpali, Tahsil and District Raigarh (CG)

... Respondents

For Petitioners	:	Mr. Sumit Singh Rathore, Advocate.
For Respondent-State	:	Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/11/2019**

1. Challenge in the present writ petition is to the order dated 23.9.2019 (Annexure P-1) passed by respondent no.2 - Nazul Officer, Raigarh.
2. Vide the impugned order, the application for possession moved by the petitioners stood rejected on the ground that the property is in possession of one objector i.e. Mohammed Anwar - respondent no.3.
3. Perusal of record would show that the petitioners on an earlier occasion had preferred a first appeal before this Court being F.A. No. 219/2011. The said first appeal stood decided on 27.8.2018. This Court finds that while the said first appeal was being decided, there was a categorical finding by the High Court that the appellants therein are not the title holders of the said property and therefore no injunction could be granted in their favour. The said order of the High Court is not under challenge and by efflux of time the same has attained finality. Subsequently, the application for possession has been rejected by the Nazul Officer again holding of the suit property is in possession of respondent no.3.

4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that the remedy which now is available to the petitioners may be by filing a suit for possession before the competent Court of law, or, in addition, the petitioners have a statutory remedy of preferring an appeal before the concerned forum under the provisions of Chhattisgarh Land Revenue Code.

5. Reserving the right of the petitioners to avail appropriate remedy, the present writ petition stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE