

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4452 of 2019

1. Padamchand Jain, S/o Late Aaskaran Jain, Aged About 60 Years,
R/o Daupara, Mungeli, Tahsil And District Mungeli, District : Mungeli,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue
Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur,
Chhattisgarh
2. Commisioner, Bilaspur Division, District : Bilaspur, Chhattisgarh
3. Collector, Mungeli, District : Mungeli, Chhattisgarh
4. Sub Divisional Officer, Mungeli, District : Mungeli, Chhattisgarh
5. Tahsildar, Mungeli, District : Mungeli, Chhattisgarh
6. Laliya, S/o Hiradas Satnami, Village Dulhinbai Tahsil And District :
Mungeli, Chhattisgarh
7. Siddhu, S/o Anjari Satnami, Village Dulhinbai Tahsil And District :
Mungeli, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ashutosh Mishra, Advocate
For State	:	Mr. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06.12.2019

1. The challenge in the present Writ Petition is to the order Annexure P-
1 dated 23.06.2019 passed by the Commissioner-Bilaspur, Division-
Bilaspur in Appeal Case No. 25/A-70/2018-19.

2. The facts of the case is that the petitioner had approached the Tahsildar for proceeding under Section 250 of the Chhattisgarh Land Revenue Code, 1959 in-respect-of alleged illegal encroachment of the petitioner's property by the Respondent No. 6 and 7. The Tahsildar had earlier passed an order dated 08.05.2007, which was in favour of the petitioner which was affirmed by the Board of Revenue vide order dated 01.08.2009, thereafter the Respondent No. 6 had preferred a writ petition before the High Court which was registered as WP(227) No. 6725 of 2009. The said writ petition was partly allowed vide order dated 10.08.2011 and the matter stood remitted back to the Tahsildar for deciding the entire case afresh. Thereafter, the Tahsildar proceeded afresh and passed an order in favour of the petitioner on 24.03.2018. The Respondent No. 6 preferred a first appeal before the Sub-Divisional Officer which stood rejected vide order dated 04.05.2019 against which the Respondent No. 6 preferred a second appeal before the Commissioner-Bilaspur division. The Commissioner vide his order dated 25.06.2019 after issuing notice to the parties including the petitioner who is the respondent therein had ordered for maintaining status-quo in favour of the Respondent No. 6. It is this order which is under challenge in the present writ petition.
3. After perusal of the entire facts and circumstances of the case including the order passed by the Commissioner, this Court does not find any irregularity or illegality committed on the part of the Commissioner for ordering status-quo while entertaining the second appeal. This Court is also of the opinion that the appellate court was

justified in ordering for maintaining status-quo for the reason that in case, if the order passed by the Tahsildar, which was affirmed by the Sub-Divisional Officer would have got executed the second appeal itself would have rendered infructutuous. Under the circumstances in order to ensure ends of justice, if the Commissioner has ordered for maintaining status-quo by either side it cannot be said to be in-any-manner contrary to the law or violation of any principles of natural justice. This Court does not find any strong case made by the petitioner calling for an interference to the impugned order.

4. The Writ Petition thus fails and is accordingly rejected. Meanwhile, the parties may enter appearance and the Commissioner shall decide the application for interim relief or the appeal itself on merits at the earliest.

**Sd/-
(P. Sam Koshy)
Judge**