

HIGH COURT OF CHHATTISGARH, BILASPURWPCR No. 1189 of 2019

Meena Devi Singh Chouhan Wd/o Late Virendra Singh Aged About 72
Years R/o Sukma Tahsil And District - Sukma Chhattisgarh

---- Petitioner

Versus

1. Krishna Prakash Singh Alias Deepak, S/o Late Ramvilas Singh Aged About 58 Years
2. Shiv Prakash Singh Alias Annu S/o Late Ramvilas Singh Aged About 53 Years
3. Ram Prakash Alias Raju S/o Late Ramvilas Singh Aged About 48 Years

All are R/o Village Sukma, Tahsil Sukma, District - Sukma Chhattisgarh.

4. State Of Chhattisgarh, Through The District - Magistrate, Sukma Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. B.P. Sharma along with Ms. Anmol Sharma, Advocate
For State/ Respondent No. 4	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/12/2019

1. This writ petition has been preferred by the petitioner challenging the order passed by the Sub Divisional Magistrate, Sukma (C.G.) dated 25/10/2019 whereby, an application filed by the petitioner under Section 133 of the Cr.P.C. has been closed. It has further been directed that on the opinion of the forest officer, the tree which is situated in premises of the petitioner can be removed.
2. Learned counsel for the petitioner submits that the impugned order is

unsustainable and bad in law and the petitioner's life and property is in threat. He further submits that the petitioner's husband has been murdered by Respondent No. 3.

3. Learned State Counsel submits that the impugned order is revisable and for police protection, the petitioner can approach the Superintendent of Police, Sukma, Chhattisgarh.
4. I have heard learned counsel for the petitioner and learned State Counsel.
5. Since the order is revisable, the petitioner is at liberty to file revision before the Revisional Court within 10 days from today. Since, by the impugned order, the tree has been directed to be removed/ cut on the opinion of the forest officer, it is directed that for the period of two weeks the impugned order shall remain inoperative. In that period, the petitioner, if so advised, may file the revision before the revisional authority along with application of stay. It is made clear that this Court has not expressed any opinion on the merits of the case. So far as the police protection is concerned, the petitioner can approach the Superintendent of Police Sukma for police protection and her application will be considered within 3 days from the date of receipt of her application and after taking stock of the entire situation, the Superintendent of Police Sukma will decide the said application.
6. With the aforesaid directions/ observations, the writ petition stands finally disposed off.

sd/-

**(Sanjay K. Agrawal)
Judge**