

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4491 of 2019

Mamta Singh W/o Nirbhay Singh Aged About 45 Years R/o Village Jamuniya, Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through- The Collector, Kabirdham, District Kabirdham, Chhattisgarh.
- 2.** Sub Divisional Officer (Revenue) Kawardha, District Kabirdham, Chhattisgarh.
- 3.** Rabani Khan S/o Asraf Khan, R/o Village Jamuniya, Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sudhir Verma, Advocate.
For State	:	Shri Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.12.2019

- 1.** The limited grievance that the petitioner in the present writ petition has is that of the illegal construction being carried out by the respondent No.3 on government land.
- 2.** According to the petitioner, there is already an order passed by the Tehsildar Kabirdham directing the respondent No.3 for removing illegal construction, against which the respondent No.3 preferred an appeal before the SDO (Revenue). The SDO (Revenue) also had vide order dated 25.10.2019 ordered for maintaining status quo and stop further construction.
- 3.** The petitioner now submits that inspite of the said order of the SDO dated 25.10.2019, the respondent No.3 is still carrying out illegal construction. Therefore, appropriate direction be issued to the respondent No.2 for taking prompt steps in the proceedings that he has drawn.

4. Once when the matter is already seized before the respondent No.2, it would not be necessary for this court to now venture into the proceeding which is already being pursued before the SDO (Revenue). Let the petitioner move appropriate application before the respondent No.2 highlighting the fact of the continued illegal construction by the respondent No.3 inspite of the order of the respondent No.2 dated 25.10.2019. That, the respondent No.2, in turn, shall further take note of the submissions that the petitioner shall make and pass an appropriate order ensuring that the order of the respondent No.2 dated 25.10.2019 is honoured and respected by all the parties to the dispute in its letter and spirit.
5. It shall be responsibility of the petitioner to apprise the respondent No.2 so far as order passed by this court is concerned.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge