

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4430 of 2019**

Natural Collection LLP. Through Its Director Prem Raj, S/o. A.R. Jain
Address Sahid Smark Parisad, Rajbandha Maidan Raipur District-
Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Revenue Mahanadi Bhavan Atal Nagar, New Raipur Chhattisgarh
2. State Of Chhattisgarh Through Its Secretary Department Of Panchayat Raj And Rural Development Mahanadi Bhavan Atal Nagar, New Raipur Chhattisgarh
3. The Collector Raipur Chhattisgarh
4. The Land Acquisition Officer Cum Sub Divisional Officer (Rev.) Raipur Chhattisgarh
5. The Project Officer Women And Child Development Project Dharsivan District Raipur Chhattisgarh
6. The Tehsildar Raipur District Raipur Chhattisgarh
7. The Sarpanch Of Village Devpuri Raipur Tehsil Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Akhilesh Kumar, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/12/2019**

1. The present writ petition has been filed seeking the following main reliefs:

“10.2. To issue an appropriate writ or order and direction to the respondent authority to initiate the proceedings for pay compensation or for vacating the land of the petitioner this is categorically mention in the petition.”

2. The contention of the petitioner is that the petitioner is the exclusive land Owner of the properties bearing khasra No. 293/2 along with khasra No. 293/9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 situated

at P.H. No. 0073 at village Devpuri, District Raipur measuring 1.105 hectare.

3. The grievance of the petitioner is that the Sarpanch of village Devpuri had got an Anganbadi Centre constructed in some portion of land exclusively owned by the petitioner. The said construction of the Anganbadi Centre on the property of the petitioner was without any consent or any purchase being made nor was it after any acquisition of the property made. The petitioner therefore has now filed the present writ petition seeking for appropriate compensation or a direction to the respondent No.2 to vacate the land of the petitioner.
4. At the outset, this Court is of the opinion that, first of all the petitioner has to prove his title and ownership over the properties. The fact to ascertain whether the petitioner is the actual land Owner or the title holder over the property in which the Anganbadi Centre No.5 stands situated has to be established. It could only be established after recording of the evidences led by either party. The Writ Court cannot be converted into a Court to give a finding of fact in respect of the title of the property and also cannot be converted into a Court for eviction proceedings against any illegal encroachment, if any made on the private land owned by the petitioner.
5. The petitioner ought to have filed a suit for declaration and thereafter also could have sought for eviction after having established his title, ownership and encroachment over the said property. This can only be obtained from the competent Civil Court.
6. Given the said facts, this Court does not find the present case to be one which could be entertained invoking the extraordinary writ

jurisdiction of this Court under Section 226 of the Constitution of India. Reserving the right of the petitioner to approach the concerned Civil Court, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved