

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 432 OF 2020**

Shashi Kumar, S/o Dayanand @ Govind Ram, aged about 39 years, caste Aghariya, R/o Dhanigaon, Tahsil Baramkela, District Raigarh (CG)

... Petitioner

versus

1. State of Chhattisgarh, Department of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (CG)
2. Manoj Kumar, S/o Manbodh, aged about 35 years, caste Aghariya, Dhanigaon, Tahsil Baramkela, District Raigarh (CG)

... Respondents

For Petitioner	:	Mr. Naveen Yadav, Advocate
For Respondent No.1	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/01/2020

1. Challenge in the present writ petition seems to be the order passed by the Additional Commissioner, Bilaspur Division on 20.1.2020 in Case No. 13A-70/2019-20.
2. Grievance of the petitioner is that the respondent no.2 has forcefully encroached upon the property belonging to the petitioner and started construction over it. The petitioner approached the Tahsildar for removing the encroachment and the Tahsildar passed an order in favour of the petitioner on 24.1.2019. The said order of the Tahsildar was also affirmed by the Sub Divisional Officer (Revenue), Sarangarh vide his order dated 9.1.2020. According to the petitioner, he had immediately filed a caveat also before the Commissioner, Bilaspur Division in respect of the same, however, the respondents filed a revision petition and have obtained an interim order on 20.1.2020 i.e. the impugned order. According to the petitioner, though he had filed a caveat, the Commissioner ought to have granted an opportunity of hearing to the petitioner before passing any interim order.
3. Having heard the contentions put forth on either side and on perusal of record, what clearly reflects from the impugned order dated 20.1.2020 is that the Additional Commissioner has only ordered the parties to maintain status quo and notice has been issued to the petitioner also seeking his presence on 5.2.2020.

4. This Court is of the opinion that on the next date of hearing i.e. on 5.2.2020, the petitioner may enter appearance before the Additional Commissioner, Bilaspur Division and submit his detailed reply both on merits as well as on interim relief and the Additional Commissioner thereafter shall proceed to decide the same on its own merits at the earliest.

5. Since the Additional Commissioner has only exercised his discretionary power and ordered to maintain a status quo, this Court does not find it to be a strong case made out by the petitioner calling for interference with the impugned order dated 20.1.2020 at this juncture.

6. Accordingly, reserving the right of the petitioner to approach the Additional Commissioner and submit his detailed reply both on merits as well as on interim relief, the writ petition is disposed of.

Sd/-
(P. Sam Koshy)
Judge

/sharad/