

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 823 of 2020**

1. Atmaram Yadu S/o Ramji Yadu Aged About 32 Years R/o Village- Hathidob, Post Gadadih, Tahsil- Saja, District- Bemetara, Chhattisgarh.
2. Bhukhan S/o Raghbar Aged About 60 Years R/o Village Hathidob, Post Gadadih, Tahsil - Saja, District- Bemetara, Chhattisgarh ---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naw Mantralaya, Naya Raipur, Chhattisgarh
2. Collector Bemetara, Chhattisgarh
3. Sub-Divisional Officer (Revenue) Saja, District Bemetara, Chhattisgarh
4. Tahsildar Saja, District- Bemetara, Chhattisgarh
5. Renu Yadu W/o Saroj Yadu Ex-Sarpanch, Village- Hathidob, R/o Village- Hathidob, Tahsil- Saja, District- Bemetara, Chhattisgarh
6. Prafull Rajak Tahsildar, Saja, District- Bemetara, Chhattisgarh
7. Station House Officer Police Station Parpodi, District- Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Varun Sharma, Advocate
For State	:	Mr. Anshuman Shrivastava, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/03/2020**

1. The present writ petition has been filed for the following reliefs :-

The petitioner craves the indulgence of the Hon'ble Court that this Hon'ble Court may be kind enough;

“(i) To kindly direct the respondents State Government and respondent revenue authorities to restore the possession of the petitioners by rebuilding the hut of the petitioner.

(ii) To kindly direct the respondent Tahsildar Saja to compensate the petitioners for the loss of their dwelling house and occupation.

(iii) To kindly pass suitable strictures against the respondent Tahsildar, Saja and direct the State Government to initiate departmental action against the Tahsildar for conduct unbecoming of Public Servant.

(iv) To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

2. The whole grievance of the petitioner seems to be in respect of illegal manner in which the dwelling houses of the petitioners were demolished by respondent No.4.
3. perusal of the pleadings would reveal that entire action on the part of the respondent No.4 was of the period November, 2019 and writ petition now is being filed in the month of February, 2020. Since the entire demolition work has already been undergone by the respondent No.4 and from the pleadings it appears that petitioners had made their houses/huts on the Aabadi land, there was no allotment of land to the petitioners, thus this Court is of the opinion that the relief sought for by the petitioner at this juncture are one which are disputed question of fact and which would require recording of evidence for reaching to an appropriate conclusion. Such exercise cannot be done while entertaining the writ petition under Article 226.
4. Reserving the right of the petitioner to avail appropriate remedies from the concerned Civil Court, this Court is of the opinion that writ

petition as such would not be maintainable and same stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Rohit