

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (C) No. 1248 of 2020**

Hira Lal Yadav S/o Laxmi Yadav Aged About 62 Years R/o Village Hardikalatona, Tahsil - Bilha, District- Bilaspur, Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Collector District- Bilaspur, Chhattisgarh.
3. Nayab Tahsildar Bilha, District- Bilaspur, Chhattisgarh.
4. Ravishankar Kumar S/o Pashupati Rai Aged About 32 Years R/o Maa Bhawani Nagar, Sirggitti, Tahsil and District- Bilaspur, Chhattisgarh.

**---Respondents**

|                |   |                                           |
|----------------|---|-------------------------------------------|
| For Petitioner | : | Smt. Renu Kochar, Advocate.               |
| For State      | : | Shri Jitendra Pali, Dy. Advocate General. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**17.06.2020**

1. The present writ petition has been filed assailing the order passed by the Respondent No.3 dated 22.12.2019 and 22.02.2020, Annexure P/6 & P/7 respectively. The said order is of eviction from Khasra No.624 admeasuring 2.25 Acres situated at Bilha, Bilaspur.
2. Perusal of pleadings of the petition would show that the name of the petitioner over the said property is on account of an agreement to sale that was entered into between wife of the petitioner with the original owner namely Ram Prasad executed in the year, 2009. However, the property was not transferred in the name of petitioner. It appears that the wife of the petitioner had filed a Civil Suit for specific contract. The Civil Suit for specific performance of contract stood decided against the petitioner against which the petitioner has already preferred a First Appeal i.e. F.A. No.77 of 2013.

3. Pending the First Appeal, the original owner Ram Prasad is said to have sold the disputed property to one Ravishankar Kumar, the Respondent No.4. The Respondent No.4, in turn, seems to have moved an application before the Respondent No.3 under Section 250 of the Chhattisgarh Land Revenue Code which stands decided by the impugned orders Annexure P/6 & P/7.
4. At the outset, this court is of the firm view that the writ petition is not maintainable for the reasons that there are highly disputed questions of fact involved. Secondly, the nature of dispute seems to be pure property dispute inter-se between the petitioner and the respondent No.4. Moreover, dispute in respect of the same property already stands pending in the First Appeal No.77 of 2013 wherein the respondent No.4 has also been impleaded as a necessary party. In case, if at all, any relief can be granted to the petitioner, the same can be by moving an appropriate application in the First Appeal. The present writ petition cannot be permitted to be converted into a Civil Suit deciding the civil rights of the petitioner inter-se with the respondent No.4.
5. The writ petition accordingly not being maintainable stands rejected reserving the right of the petitioner to avail appropriate remedy which is First Appeal that is pending before the High Court.

Sd/-  
(P. Sam Koshy)  
**Judge**