

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1723 of 2020**

Charanjeet Singh Kohli, S/o Late Kartar Singh Kohli, Aged About 76 Years
R/o Prince Foot Square, In Front Of Netaji Hotel, Katora Talab, Raipur,
District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Public Works Department,
Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh., District : Raipur,
Chhattisgarh
2. The Managing Director, Raipur Smart City, Registered Address - Chatrapati
Shivajee Maharaj Outdoor Stadium, Budhapara, Near Vivekanand Sarovar,
Raipur Chhattisgarh. Pin - 492001., District : Raipur, Chhattisgarh
3. The Executive Engineer, Public Works Department, Raipur Division, District
- Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Ms. Supriya Upasane, Advocate
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2020**

1. The grievance of the petitioner in the present writ petition is the action on the part of the respondent No.2 who is said to have initiated a demolition drive over the property over which the petitioner has a Bhoomiswami right.
2. Brief facts relevant for consideration of the present writ petition is that the disputed property is one which originally was situated in Khasra No.207/1. It was originally in the name of one Parsu and Parasram

etc. The petitioner along with his other brothers and sisters have purchased the said property by way of a sale deed executed on 16.07.1987. Since then petitioner is in possession of the said property. Subsequently, property was partitioned between the brothers and sisters and a partition deed was prepared on 09.02.2000. The property which fell in the share of the present petitioner was which situates at Khasra No. 207/14.

3. In 2009, the petitioner moved an application before the Revenue authorities in getting the property demarcated and authorities have also demarcated the same and petitioner is in possession of the same uninterruptedly. However, abruptly in the year 2009 somewhere in the month of September, a person named Vijendra Yadav said to be the grandson of the one of the original owners moved an application under Section 115/116 of the Chhattisgarh Land Revenue Code for correction of the wrong entries. Subsequently, Tehsildar is said to have passed an order on 12.09.2019 got the correction done and property was thereafter in the revenue records entered in the name of Executive Engineer, P.W.D. In the proceedings under Section 115/116 the petitioner was never made a party. He was never aware of said proceeding being drawn the petitioner thereafter immediately preferred an appeal before the Sub Divisional Officer, Raipur, who in turn allowed the appeal by award dated 03.01.2020 and set aside the order of the Tehsildar for passing of an order afresh after due opportunity of hearing being given to the petitioner as well. The said matter which stood remitted to the Tehsildar is still pending consideration. The petitioners have also entered appearance and

have filed their objections. Meanwhile respondent No.2 is said to have started demolition drive on the said place and have demolished a portion and the boundary wall of the petitioner's property and they are insisting for the further demolition of the shops which are constructed in the said property which belongs to the petitioner.

4. Counsel for the petitioner submits that he has never been given any notice so far as demolition drive is concerned, nor has he been given any show cause notice by the respondent No.2 before any demolition. Further contention of the petitioner is that respondent could not have carried out the demolition in the private property owned by the petitioner and third contention of the petitioner is that in any case till the proceedings are pending before Tehsildar, Respondent No.2 could not have started the demolition drive.
5. Given the aforesaid factual matrix of the case as it stands, this Court is of the opinion that the alleged demolition drive by the respondent No.2 at this stage needs to be stalled till the matter is subjudice before the office of the Tehsildar, Raipur on an application moved by one Vijendra yadav under Section 115/116 of the Land Revenue Code in terms of the order passed by SDO dated 03.01.2020. It is ordered accordingly that respondent No.2 shall not carry out any demolition of the any of the constructed portion in Khasra No.207/14 till the final decision on the application under Section 115/116 pending before the Tehsildar is finalized.
6. Counsel for the petitioner is directed to intimate the respondent No.2 so far as order passed by this Court is concerned.

7. With the aforesaid directions, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit