

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1907 of 2020**

1. Smt. Krishna Singh W/o Late Kanhaiya Singh Thakur, Aged About 67 Years
R/o Ward No.3, Bilaspur Road, Pratapganj, Sarangarh, Tah Sarangarh,
Dist.- Raigarh, (C.G.), District : Raigarh, Chhattisgarh
2. Amar Singh S/o Late Gulab Singh Thakur Aged About 58 Years R/o Ward
No. 3, Bilaspur Road, Pratapganj, Sarangarh, Tah.- Sarangarh, Distt.
Raipur, (C.G.), District : Raipur, Chhattisgarh
3. Ku. Priti Singh D/o Late Bahadur Singh Aged About 32 Years R/o Ward No.
3, Bilaspur Road, Pratapganj, Sarangarh, Tah. Sarangarh, Distt.- Raigarh,
(C.G.), District : Raigarh, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Collector, Raigarh, Distt.- Raigarh, (C.G.),
District : Raigarh, Chhattisgarh
2. The Chief Municipal Officer Municipal Council Sarangarh, Distt.- Raigarh,
(C.G.), District : Raigarh, Chhattisgarh
3. The Sub Divisional Officer (Nazul) Sarangarh, Distt.- Raigarh, (C.G.),
District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. M. K. Sinha, Advocate
For State	:	Mr. Siddharth Dubey, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/09/2020**

1. The challenge in the present writ petition is to the Annexure P-1 dated
05.08.2020 passed by the respondent No.2 asking the petitioner to remove

alleged illegal structure/house constructed by the petitioner within a period of seven days.

2. Perusal of the record would reveal that petitioner in fact had filed a Civil Suit before the Civil Judge, Class-I Sarangarh District Raigarh Vide the Civil Suit 161A/2011. However vide the judgment dated 23.03.2020 the suit has been dismissed and it has been decided against the petitioner. Pursuant to the rejection of the suit the impugned notice Annexure P-1 dated 05.08.2020 has been passed.
3. Counsel for the petitioner submits that because of the effect of COVID-19 Pandemic he could not prefer an appeal before the concerned First Appellate Court and meanwhile the authorities have initiated coercive measures against the petitioner.
4. Given the fact that impugned order seems to have been passed arising out of the Civil Suit decided against the petitioner, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet if the writ petition is disposed of at this juncture directing the petitioner to approach the First Appellate Court by way of an appeal within a period of 15 days from today along with application for interim injunction. If such an appeal is filed by the petitioner, the concerned district Court or the First Appellate Court as the case may be, is expected to accept the appeal as an urgent matter and decide the injunction application, if any, on urgent basis.
5. It is made clear that this Court has not expressed any opinion on the merits of the case, the concerned Court would have all liberty to decide the claim of the applicant on its own merits. For a period of 15 days, within which the petitioner has to prefer an appeal before the First Appellate Court, the respondent authorities are restrained from initiating any coercive action pursuant to Annexure P-1 dated 05.08.2020.

6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit