

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1957 of 2020**

Fulchand Kunjam S/o Murha Ram Kunjam, Aged About 55 Years, R/o New Adarsh Nagar (Vivekanand Nagar), Potiyakala, Durg, Post Kasarideeh, Tahsil And District Durg, Chhattisgarh

---- Petitioner**Versus**

1. Anishlal S/o Late Premmasih Lal, Aged About 54 Years, R/o House No. 1/ D, Road 38, Ward No. 48, Sector 01 Bhilai, Tahsil And District Durg (Chhattisgarh) Adhar No. 267619808857
2. Anis Khan S/o Late Basir Khan, Aged About 44 Years, R/o House No. 21/ A, Road Evenue/C, Sector 01, Bhilai, Tahsil And District Durg (Chhattisgarh) Adhar No. 604920948902
3. The Commissioner, Municipal Corporation, Durg, District Durg Chhattisgarh
4. The Collector, Durg, District Durg, Chhattisgarh
5. The Tahsildar, Durg, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Punit Ruparel, Advocate
For Respondent 3	:	Mr. Pankaj Agrawal, Advocate
For Respondents 4 & 5	:	Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17.09.2020**

1. The challenge in the present writ petition is to the notice issued by the Municipal Corporation i.e. respondent no.3 dated 22.06.2020 which is an eviction notice given to the petitioner.
2. During the course of hearing, it has been brought to the notice that

there is already a civil suit filed by the petitioner seeking declaration over the disputed property before the competent Civil Court along with an application for injunction under Order 39 Rule 1 & 2 of CPC. Similarly, there is a dispute pending before the Tahsildar where the respondents 1 & 2 have initiated an eviction proceeding against the petitioner.

3. Considering the fact that the matter is in fact seized by the competent Civil Court and also by the concerned Tahsildar in an eviction proceeding, this Court at this juncture is reluctant to interfere with the impugned notice particularly when there are highly disputed question of facts involved. Since the petitioner has already approached the Civil Court, the petitioner may approach the same court to consider his application. on such application being made, it is expected that the Court/authority concerned shall consider it as an urgent matter and decide the same on its own merits based upon the facts that are brought before the Court.
4. It is made clear that this Court has not expressed any opinion so far as the merits of the case is concerned, the concerned Court would have the liberty of deciding the same purely on the basis of the materials placed before it.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge