

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2194 of 2020**

1. Ishrat Jahan W/o Sarwar Ali Aged About 59 Years R/o Tifra, Bhartiya Nagar, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Revenue Department And Disaster Management, Mahanadi Mantralaya , Atal Nagar , Raipur , District Raipur Chhattisgarh.,
2. Collector Bilaspur , District Bilaspur Chhattisgarh.
3. Tehsildar Bilaspur , District Bilaspur Chhattisgarh.
4. Sub Divisional Officer (Revenue) Tehsil And District Bilaspur Chhattisgarh.
5. State Of Chhattisgarh Through Urban Administration And Development Department Mahanadi Mantralaya, Atal Nagar , Raipur , District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Adv.
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/09/2020**

1. The whole dispute in the present writ petition is the notice dated 18.08.2020 and the order of ejectment dated 25.07.2018 passed by the Tehsildar, Bilaspur.
2. According to the counsel for the petitioner she is title holder of the said property by way of a registered sale deed which was executed way back in the year, 2005 and since then she is in occupation of the said property. According to the petitioner, pursuant to an order passed in WP(PIL) No.135 of 2017, decided on 19.06.2018, the respondents have initiated a proceeding under the Chhattisgarh Land Revenue Code

against the petitioner and the said proceeding is still pending before the Tehsildar. Meanwhile, the ejectment notice and the notice dated 18.08.2020 has been passed.

3. At this juncture the limited prayer that the petitioner makes is that the whole dispute can be laid to rest if the State authorities can conduct a fresh demarcation of the property which belongs to the petitioner and thereafter may submit the demarcation report before the Tehsildar to proceed further with the matter.
4. To the said limited prayer, the State does not have any objection. However, he points that from the pleadings and the documents enclosed with the writ petition it appears that demarcation has already been conducted in the past and the order seems to have been passed based upon the demarcation report, which fact, however, is disputed by the petitioner saying no demarcation has been done. It is only a survey report which has been prepared and submitted before the authorities without demarcation being done.
5. Be that as it may, since the petitioner herself is making a submission that let the property belonging to the petitioner be demarcated and thereafter the authorities may proceed in accordance with law, the whole dispute itself according to the petitioner, can be laid to rest, if the revenue authorities shall consider conducting a fresh demarcation and the charges required for the demarcation shall be made by the petitioner, if any, and the said demarcation report be submitted before the Tehsildar. The petitioner also should promptly be intimated in respect of the demarcation to be conducted so that the same can be done in their presence. The petitioner also is directed to render all co-operation in the course of conducting demarcation.

6. The respondents, however, meanwhile shall not take any co-ercive steps for ejectment of the petitioner from the said property till a decision after the fresh demarcation is taken.
7. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha