

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2301 of 2020**

1. Subrat S/o Late Suryakant Aged About 65 Years R/o Village Radhakrishna Nagar, Tahsil Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Supan S/o Santosh Aged About 48 Years R/o Village Radhakrishna Nagar , Tahsil Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh The Secretary , Revenue Department, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
3. Sub Divisional Officer Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. Tehsildar Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5. Ameen Bada S/o Ramprasad Bada Aged About 65 Years Sarpanch, Gram Panchayat Radhakrishna Nagar, Janpad Panchayat Balrampur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
6. Narayan Mandal S/o Late Shri Anant Mandal Aged About 58 Years R/o Village Radhakrishna Nagar , Post Maharajganj, Police Station Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
7. Niranjana Mandal S/o Late Shri Anant Mandal Aged About 62 Years R/o Village Radhakrishna Nagar , Post Maharajganj , Police Station Balrampur , District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For State/Res.1 to 4	:	Mr. Anand Verma, Dy. GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15/10/2020

1. The grievance of the petitioner in the present writ petition is that in the garb of an order of this Court passed in WPC 1590/2020 decided on 21.08.2020 the respondent authorities are entering upon the property which stands in the name of petitioners for the purpose of construction of road.
2. According to the counsel for the petitioners, petitioner No.1 has property which situates in Khasra No.22 measuring 1.990 Hectare which was subsequently changed as Khasra No.23 & 45 measuring 0.12 Hectare & 0.15 Hectare respectively at Village Radhakrishna Nagar, P.H. No.26, Balrampur, Ramanujganj and petitioner No.2 has the property which situates at Khasra No.26,44,231 measuring 1.290, 0.430, 0.350 Hectare respectively which was subsequently changed under new settlement as Khasra No. 50,52, 53, 87, 436 measuring 0.470, 0.440, 0.470, 0.360, 0.330 Hectare respectively at Village Radhakrishna Nagar, P.H. No.26, Balrampur, Ramanujganj.
3. According to the petitioners they have valid lease in their favour over the said property, however, respondents with malafide intentions are trying to construct road in between the said private property of the petitioners and thus prayed for appropriate protection accordingly. It is further contention of the petitioner that they have already moved an application for rectification of the error before respondent No.4

Tehsildar vide Annexure P-3, the Tehsildar has also admitted the application and have issued notice to the respondents therein and matter is still subjudice before respondent No.4.

4. Counsel for the petitioner makes a limited prayer that till the application of the petitioners for rectification are decided by respondent No.4, let status quo as it exists today be maintained over the disputed property otherwise the loss would be irreparable.
5. The said submissions made by the petitioners seems to be a fair proposal as admittedly the petitioners have moved an application before respondent No.4 for rectification, the said application is also admitted and notices have been issued to the other side.
6. Given the said facts, it is expected that respondent authorities shall not proceed further with the alleged construction of road over the said aforementioned disputed property till application for rectification is decided by respondent No.4. It is also expected that respondent No.4 in the course of deciding the application for rectification shall take note of the fact that even in WPC 1590/2020 this Court had asked the authorities for taking appropriate measures only after due verification of facts which needs to be done before taking any decision, as regards construction of road.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge