

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2672 of 2020

1. Cheddi Ram Jain S/o Late Thukel Ram Jain Aged About 52 Years
2. Bindabai Jain Wd/o Late Santu Ram Jain Aged About 66 Years

All R/o Ward No. 15, School Para, Village Pataud, Tehsil And District North Baster Kanker , Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Department of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Collector Kanker District Kanker Chhattisgarh.
3. Naib Tehsildar Kanker District Kanker Chhattisgarh.
4. Smt. Phoolmat Wd/o Late Devsingh Sahu Aged About 62 Years
5. Sonaram S/o Late Devsingh Sahu Aged About 40 Years
6. Sun Kunwar D/o Late Devsingh Sahu Aged About 35 Years

Respondents No. 4 to 6 R/o Village Pataud, Tehsil and District North Baster Kanker Chhattisgarh.

---Respondents

For Petitioner	:	Shri Shobhit Kosta, Advocate.
For Respondent-State	:	Shri Raghvendra Verma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.11.2020

1. The grievance of the petitioner in the present writ petition is the order dated 20.10.2020 (Annexure P/6) passed by the Naib Tehsildar, Kanker by issuing of a warrant of dispossession.
2. According to counsel for the petitioner the earlier order of the Naib Tehsildar dated 29.04.2014 is subjudice even as on date before the Board of Revenue where the Revision Petition of the petitioners is pending since May, 2018. According to the petitioners, pending the revision petition the respondent authorities should not have initiated any dispossession proceeding or else the revision itself gets frustrated and would become infructuous.

3. The State counsel on the other hand submits that since his revision petition is already pending before the Board of Revenue, let the petitioners move an appropriate application before the Board of Revenue for a suitable protection pursuant to Annexure P/1.
4. Given the said submission by the State counsel, the writ petition at this juncture stands disposed of directing the petitioners to approach before the Board of Revenue for a suitable injunction against the order dated 20.10.2020. On such application being moved, the Board of Revenue is expected to take a decision at the earliest. However, meanwhile purely as an interim measure the respondent authorities are restrained to take any co-ercive steps pursuant to order dated 20.10.2020 issued by the Naib Tehsildar, Kanker, ordering dispossession of the petitioners from the said property involved in the revision petition.
5. Meanwhile, the counsel for the petitioners submits that their application under Section 89 of the Chhattisgarh Land Revenue Code for appropriate correction of an error in the revenue survey/settlement is also pending since 2014, the same be also decided at the earliest.
6. The respondent No.3 is also directed to ensure that the said application of the petitioners under Section 89 of the Chhattisgarh Land Revenue Code pending before him should be decided at the earliest after hearing all the concerned parties, preferably within a period of three months from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
Judge