

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2868 of 2020**

- Suresh Agrawal S/o Shri R.K. Agrawal Aged About 60 Years R/o Near Kelo Vihar, Raigarh , Tahsil And District Raigarh Civil And Revenue District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department , Mahanadi Bhawan , Atal Nagar , Raipur District Raipur Chhattisgarh
2. The Collector Raigarh District Raigarh Chhattisgarh
3. The Sub Divisional Officer (Revenue) Raigarh , District Raigarh Chhattisgarh
4. The Tahsildar (Nazul) Raigarh District Raigarh Chhattisgarh
5. Gopesh Ranjan Diwedi S/o Shri Ramdat Diwedi R/o Sarangarh District Raigarh Chhattisgarh

---- Respondents

For Petitioner : Shri M.K. Sinha, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****01/12/2020**

1. Heard.
2. The present petition has been filed against the notice dated 15.10.2020 (Annexure P-1) whereby the petitioner has been asked to vacate the premises which has been encroached upon by him to the extent of 135 sq. feet out of plot No.2 of which the total area is 1800 sq. feet situated at Village Belatula, Kelo Vihar Colony, Raigarh.

3. Learned counsel for the petitioner would submit that against this order the petitioner has already preferred an appeal before the SDO, wherein the stay was granted till the appearance of the respondent and the case was fixed for 04.11.2020. He would further submit that because the SDO Court was not available on the subsequent date, the date was extended, however, since the stay has been granted till the appearance of the respondent, the stay may be continued till the appeal is decided.
4. Considering the disputed question of fact and the fact that the appeal is already pending, wherein the interim stay was granted uptill the respondents are noticed, it is directed that the status-quo in respect of the property shall be maintained till the appeal is decided on merits. It is further directed that the appeal shall be decided within a further period of 60 days from the date of receipt of the copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu