

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(Cr.) No.612 of 2019

- Santosh Singh Chawla S/o Kuldeep Singh Chawla Aged About 39 Years
R/o Opposite Gaurav Hotel, Ambedkar Chowk, Baloda Bazaar, District
Baloda Bazaar Bhatapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. Superintendent Of Police, Baloda Bazaar, District- Baloda Bazaar-
Bhatapara, Chhattisgarh
3. Station House Officer Police Station- Baloda-Bazaar, District- Baloda
Bazaar- Bhatapara, Chhattisgarh
4. Collector, Baloda Bazaar- Bhatapara, District-Baloda Bazaar-
Bhatapara, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Sachin Singh Rajput, Advocate.
For State	: Mr. Gurudev I. Sharan, Govt. Advocate.
For Intervener	: None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2020

Heard.

1. The present petition under Article 226 of Constitution of India has been brought praying for issuance of appropriate writs and a writ of mandamus directing the respondents to provide police protection to the petitioner.
2. Learned counsel for the petitioner submitted that the petitioner is the owner and possessor of the diverted land bearing Khasra No.846/1, 847/1, 848/16, 846/17, 849/1, 850/6 total area of 0.307 hectare situated at Ambedkar Chowk, Balodabazar, C.G. The petitioner was constructing

a boundary wall over his property, when one Bhagwati Das Agrawal came on the spot and forcibly stopped the construction work. According to the information given by the petitioner one F.I.R. of Crime No.330/2019 for commission of offences under Sections 147, 294, 323 and 506 of I.P.C. has been registered against Bhagwati Das Agrawal and others.

3. It is also submitted that there is a dispute regarding demarcation of the property and Bhagwati Das Agrawal has acted in such a manner which has restrained the petitioner to enjoy the property under his ownership and possession and to raise construction on the same, therefore, direction is sought to be issued against the respondent for providing police protection to the petitioner for constructing the boundary wall on the disputed property.
4. The learned State counsel appearing for respondents submits that there is a serious dispute regarding property present between the petitioner and Bhagwati Das Agrawal. One F.I.R. has been lodged against the petitioner also on the information given by Bhagwati Das Agrawal. Similar offences have been registered against the petitioner. There is no law under which the protection can be given to the petitioner as he has prayed for in this petition.
5. Heard learned counsel for both the parties and also perused the documents present.
6. Considered on the submissions, it appears that there is a dispute of civil nature between the petitioner and the Bhagwati Das Agrawal, who according to the petitioner is raising objections and making obstructions in the enjoyment of the landed property belonging to the petitioner. Therefore, the petitioner is at liberty to approach the Civil Court and

seek the relief in the nature he has prayed for in the present petition. The Civil Court would be in a better position to examine the rights and entitlement of the parties and pass appropriate order providing protection under law. Therefore, I am of this view that the present petition is misconceived, however, the respondents are directed to examine the complaint given by the petitioner and in case any substance is found in the complaint, then take action in accordance with law. With this observation, the present petition is disposed off.

7. Consequently, the petition is disposed off with directions as aforesaid.

Sd/-
(Rajendra Chandra Singh Samant)
Judge