

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 905 of 2021**

- Shariyatullah S/o Late Shri Sobrati Aged About 62 Years Caste- Muslim, Occupation- Agriculture, R/o Village- Belkharikha, Post- Turna, Police Station- Darima, Tehsil- Lakhanpur, District - Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector Surguja, District- Surguja, Chhattisgarh
2. The Commissioner Division- Surguja, Ambikapur, Chhattisgarh
3. The Sub-Divisional Officer (R) Udaypur, District- Surguja, Chhattisgarh
4. The Tehsildar Tehsil- Lakhanpur, District- Surguja, Chhattisgarh
5. Vijay Paikara S/o Mahaveer Aged About 45 Years R/o Village- Belkharikha, Post- Turna, Police Station- Darima, Tehsil- Lakhanpur, District- Surguja, Chhattisgarh

---- Respondents

For Petitioner : Shri Aman Upadhyay, Advocate

For Respondents/State : Shri P. Acharya, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****18/02/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that against the order of ejectment dated 16.07.2020 passed by the Tehsildar under Section 248 of the C.G. Land Revenue Code, 1959, wherein the petitioner has been directed to be dispossessed by demolition of the house, the first appeal was preferred before the SDO and the SDO by order dated 02.12.2020 affirmed the order of the

Tehsildar, whereby the order of ejectment from the land bearing Khasra No.578 admeasuring 0.02 hectare out of 0.40 hectare was directed to be vacated by demolition of the house of the petitioner.

3. It is stated that against such order, the petitioner filed a second appeal before the Commissioner, Sarguja Division Ambikapur and such appeal has been admitted for hearing but in the meanwhile the interim prayer for stay of the order of ejectment was rejected. Learned counsel for the petitioner would submit that in such case if the stay is not granted and the appeal is eventually allowed, the circumstances cannot be rolled back and the petitioner would suffer irreparable loss.
4. Perused the order dated 16.12.2020, wherein the Commissioner has admitted the second appeal, however, at the same time has rejected the application for stay of ejectment. It is obvious that if the second appeal is eventually allowed and in the meanwhile the interim protection is not granted, then in such case the petitioner would suffer irreparable loss and after demolition, the house cannot be restored back and the clock cannot be set back. In view of this since second appeal is already admitted, it is directed that till the second appeal is decided by the Commissioner on merits, no forceful demolition/dispossession of the petitioner from the house shall be carried out.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu