

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 941 of 2021

Sita Ram Sharma, S/o Late Shri Lalmani Sharma, Aged About 66
Years Retiered Assistant Grade - li R/o Sonhat, Post And Tahsil -
Sonhat, District : Koriya (Baikunthpur), Chhattisgarh
--- **Petitioner**

Versus

1. State of Chhattisgarh through, the Secretary, Department of Panchayat and Rural Development, Mahanandi Bhawan, Atal Nagar, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector, District - Koriya District : Koriya (Baikunthpur), Chhattisgarh
3. The Sub Divisional Officer (Revenue), Sonhat District : Koriya (Baikunthpur), Chhattisgarh
4. The Tahsildar, Sonhat District Koriya District : Koriya (Baikunthpur), Chhattisgarh
5. The Station House Officer, Police Station Sonhat, District - Koriya District : Koriya (Baikunthpur), Chhattisgarh
6. Gram Panchayat Sonhat, District - Koriya Chhattisgarh through The Sarpanch., District : Koriya (Baikunthpur), Chhattisgarh ---

Respondents

For the Petitioner	: Mr. Kaushal Yadav, Advocate
For the State	: Mr. Shriya Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.03.2021

1. Heard.
2. Learned counsel for the petitioner submits that the earlier order to vacate the premises could not be executed for the reason that the Gram Panchayat has seized certain goods which are kept inside the house and they have put their lock over the premises, where from the eviction is to be made.
3. The record would show that on earlier occasion, pursuant to the eviction order dated on 15.12.2020 passed under the *Chhattisgarh Lok Parisar (Bedakali) Adhiniyam 1974*, the

petitioner filed WPC No. 2978 of 2020 wherein the petitioner gave an undertaking that he would vacate the premises within a period of 3 months and accordingly, the said writ petition was disposed of on 15.02.2020. Along-with this petition, a letter addressed to SDO(Revenue) is annexed as Annexure P-2 which would go to show that on 11.11.2020, the ejectment order was already executed and after forcibly breaking open the lock, the house was vacated, however, certain goods are still lying kept inside the house. If that be the position, it is for the petitioner to seek appropriate remedy before the competent court as this Court cannot direct a roving enquiry to find out as to what goods were kept lying as the house got forcibly vacated, which requires strict proof of facts. Under the circumstances, no presumption can be drawn, therefore, the relief as sought in the petition cannot be granted to the petitioner. The petitioner shall be at liberty to avail appropriate remedy available under the common law.

4. With the above observation, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**