

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 495 of 2021

1. Jagriti Singh, Wd/o Late Ramlakhan, Aged About 58 Years Caste- Gond (Schedule Tribe).
2. Akriti Singh, D/o Late Ramlakhan, Aged About 32 Years, Caste- Gond (Schedule Tribe)
3. Lalit Singh, S/o Late Ramlakhan, Aged About 36 Years, Caste- Gond (Schedule Tribe)
4. Bhanu Singh, S/o Late Ramlakhan, Aged About 28 Years, Caste- Gond (Schedule Tribe)
5. Divya Raj Singh, S/o Late Rambhurayee, Aged About 51 Years, Caste- Gond (Schedule Tribe)
6. Marwari Ram @ Marwani Ram, S/o Late Prabhu Dayal, Aged About 80 Years, Caste- Gond (Schedule Tribe)
7. Lalan Paikra @ Lakhan Paikra, S/o Late Ramkripal Singh, Aged About 50 Years, Caste- Kanwar (Schedule Tribe)
8. Shanu Singh @ Prabhakar Singh, S/o Late Ramlakhan, Caste- Gond (Schedule Tribe)

(Due to mistake he was not made party before the Revisional Court)

All are resident of- In front of T.C.P.C., Banaras Road, Police Station- Gandhi Nagar, Ambikapur, District- Surguja (C.G.)

--- Petitioners

Versus

1. The State of Chhattisgarh, through the Secretary Department of Home Affairs, New Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
2. The Secretary Department of Revenue, New Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
3. The Secretary Department of Tribal Welfare, New Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)
4. The Director General of Police, Police Head Quarter Raipur, District- Raipur (C.G.)
5. The Collector Cum District Magistrate Ambikapur, District- Surguja (C.G.)
6. The Superintendent of Police, District- Surguja (C.G.)
7. The Sub Divisional Officer (Magistrate) Ambikapur, District- Surguja (C.G.)
8. The Tahsildar Tahsil- Ambikapur, District- Surguja (C.G.)
9. The Station House Officer, Police Station- Gandhi Nagar Ambikapur, District- Surguja (C.G.)
10. Shreem Engineering and Builders through- its Director, Atul Dubey, S/o Late V.N. Dubey, Aged About 52 Years, R/o Rekhankan Colony, Ambikapur, District- Surguja (C.G.)

--- Respondents

For Petitioners : Mr. A.N. Bhakta, Advocate.
For State/Res. 1 to 9 : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

30/07/2021

1. This writ petition has been filed under Article 226 of the Constitution of India for setting aside the notice dated 23.07.2021 (Annexure P/1), issued by respondent No. 7, whereby the petitioners have been directed to deliver the vacant possession of the suit property.
2. Learned counsel for the petitioner would submit that the petitioners have received notice dated 23.07.2021 (Annexure P/1) by which the petitioners are directed to vacate the possession of dispute property/land (Khasra No. 323/16 & 252 total 1.67 Hectares) situated at in front of T.C.P.C. Banaras Road, Ambikapur, Surguja (C.G.). The respondent No. 10 has filed application under Section 145-146 of the Cr.P.C. before Sub Divisional Magistrate, Ambikapur, who by order dated 22.02.2019 (Annexure P/5), directed the petitioners for dispossessing from the disputed land. The said order was not complied with, thereafter, respondent No. 10 filed CRMP No. 438/2021 before this Court and this Court vide order dated 22.06.2021 (Annexure P/2) has directed the Sub Divisional Magistrate to comply with its own order within four months from the date of receipt of copy of this order subject to condition that the order passed by the Sub Divisional Magistrate on 22.01.2019 is not under challenge before any other forum by the respondents in Misc. Criminal Case No. 02/2016 namely Jagriti Singh, Akriti Singh, Lalit Singh, Atul Singh, Sanu Singh, Dubraj Singh, Marwadi Ram and Lalan Paikra.
3. Learned counsel for the petitioner would further submit that the petitioners have received notice dated 23.07.2021 and thereafter

they have filed revision before learned 2nd Additional Sessions Judge, Ambikapur challenging the order passed by Sub Divisional Magistrate on 22.01.2019 and the case is to be listed before learned 2nd Additional Sessions Judge, Ambikapur on 17.08.2021. In the meantime, respondent No. 10 along with Government machinery came up for dispossessing the petitioners.

4. In view of the submission made by learned counsel for the petitioners, it is evident that the matter is urgent whereas, the case is listed on 17.08.2021 before learned 2nd Additional Sessions Judge, Ambikapur. It is directed that as an interim measure, the **status quo** as exists today with regard to the land/ property in question, shall be maintained by the parties till **5th August, 2021**. The petitioners are directed to make application for interim relief before learned 2nd Additional Sessions Judge, Ambikapur on 3rd August, 2021.
5. The learned 2nd Additional Sessions Judge, Ambikapur is directed to decide the application of the petitioners for interim relief **on or before 5th August, 2021**.
6. With these observations, the instant writ petition stands disposed of.

Certified copy today.

Sd/-
(Narendra Kumar Vyas)
Judge