

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3825 of 2021**

- Phoolmati Singh D/o Ram Singh Aged About 40 Years Cast Gond , R/o Village Murkil, Post Kamarji, Police Station Kotadol, Tehsil Bharatpur , District Korea Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Collector, Baikunthpur , District Korea Chhattisgarh
2. Sub Divisional Officer Manendragarh District Korea Chhattisgarh.
3. Tehsildar Bharatpur District Korea Chhattisgarh.
4. Balle Singh S/o Brijlal Singh Aged About 50 Years R/o Village Murkil, Post Kamarji, Police Station Kotadol, Tehsil Bharatpur , District Korea Chhattisgarh.

---- Respondents

For Petitioner : Ms. Sareena Khan, Advocate

For Respondents/State : Shri Anmol Sharma, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****22/09/2021**

Heard.

1. Learned counsel for the petitioner would submit that a land was granted to the family members of the petitioner and respondent No.4 has encroached upon it and has started construction, therefore, the Collector may be directed to decide the representation, if so filed.
2. The nature of the submission would show that it is a private litigation in between the petitioner and respondent No.4. The petitioner, if she is aggrieved, that land

belongs to the family member of the petitioner and respondent No.4 has encroached upon it then she may choose the appropriate remedy available to her under the law. Whether the land on which the construction is made belongs to the petitioner is a disputed question of fact which can be ascertained only after the demarcation and other evidence are adduced. In exercise of power under Article 226 of the Constitution of India the disputed question of fact cannot be gone into, therefore, the petitioner shall be at liberty to approach the appropriate forum, if so advised.

3. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu