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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 480 of 2020***(Arising out of order dated 23.11.2020 passed by the learned Single Judge in WPC No. 2673 of 2020)*

- Lallu Ram Sahu S/o Late Ramu Lal Sahu Aged About 48 Years R/o Village Birejhar Tahsil Kurud, District Dhamtari P.S. Kurud Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Home, Mantralaya, Mahanadi Bhawan, Nawa Raipur Chhattisgarh.
2. Collector Dhamtari, District Dhamtari Chhattisgarh.
3. Superintendent of Police Dhamtari District Dhamtari Chhattisgarh.
4. Police Chowky In-Charge Birejhar Under P.S. Kurud, District Dhamtari Chhattisgarh.
5. Janki Markandey W/o Chandan Markandey R/o Lakhe Nagar, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri N. Naha Roy, Advocate
For Respondents-State	:	Shri Sudeep Agrawal, Dy AG.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P.R. Ramachandra Menon, Chief Justice****14.01.2021**

1. Interference declined by the learned Single Judge with regard to the prayer to direct the Respondents to extend police protection to the Petitioner and his family, till the matter stated as pending consideration before the Board of Revenue, Raipur (CG) with regard to the eviction proceeding under Section 248 of Chhattisgarh Land Revenue Code, 1959 is decided, forms the subject matter of challenge in this appeal.

2. Heard Shri N. Naha Roy, the learned counsel for the Appellant as well as Shri Sudeep Agrawal, the learned Deputy Advocate General representing the Respondents-State.
3. The gist of the case projected by the Appellant is that, the Appellant is residing with family alongwith individual units of families of his three brothers jointly in the same house, which is situated in the Abadi Patta land given on lease by the Gram Panchayat in the year of 1990. It is pointed out that there was some dispute between Appellant's family and one Bharat Sahu with regard to the land where they are residing. A portion of the same is claimed by the latter, which dispute however, forms the subject matter of FA No. 03 of 2017 pending before this Court. It is also pointed out that there was some eviction proceeding under Section 248 of Chhattisgarh Land Revenue Code, 1959, which ultimately has reached the Board of Revenue, when an interim order of 'Status Quo' was passed on 03.04.2012, which is stated as still in operation.
4. The father of the Appellant passed away in the meanwhile, pursuant to which, the legal heirs have been impleaded in the party array before the Board of Revenue. While so, the person by name Bharat Sahu (stated as party in FA No. 03 of 2017) sold his rights and interests over a portion of the land claimed by him to the 5th Respondent herein who threatened the Appellant to effect vacant surrender. It is stated that, serious threats have been raised by the 5th Respondent and her son under the instigation of the In-charge of Police Chowki, Birejhar. It is the case of Appellant that though the order of 'status quo' issued by the Board of Revenue was shown to the 4th Respondent / In-charge of Police Chowki, the same was paid only scant regards. The Appellant and the members of the family have been threatened of dire consequences, also by getting themselves booked by way of false implication under the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989, if the land is not vacated by them. The Appellant also makes a reference to some incidents occurred on 15.10.2020, causing assault to the son of the Appellant with the help of some miscreants who barged into the house of Appellant. Despite reporting the matter to the police, no case has been registered and the threat still continues, which made the Petitioner to approach the Superintendent of Police by filing a petition / complaint, which has not yielded any positive result and hence, the writ petition.

5. When the matter came up for consideration, the learned Single Judge observed that if at all, there was any grievance with regard to the encroachment into the house / premises / property of the Appellant, it was quite open to approach the Civil Court against the 5th Respondent or persons under her, to get the remedy by way of injunction. Similarly, if at all, there was any grievance with regard to the offence states as committed, the Appellant / Writ Petitioner could approach the Competent Magistrate by filing a suitable complaint and it was accordingly that, the writ petition was disposed off. We find it appropriate to extract paragraph-2 of the judgment as aforesaid for easy reference:

“2. Primarily it appears that already a status quo order dated 03.04.2012 as per Annexure P-2 exists in respect of the subject land in question. If one of the litigant has created third party interest in respect of the property and sold it out, then in such case the sale would be governed by the doctrine of lis pendens. With respect to the report to the police that respondent No. 5 has tried to forcefully evict the petitioner, the report has been made to the Superintended of Police by Annexure P-4 and to the SDO by Annexure P/5, therefore by such action if nothing has transpired, the petitioner has a remedy to file suitable complaint before the competent magistrate and file properly constituted suit before the competent civil court seeking injunction. Because of the fact that respondent No. 5 has threatened the petitioner to evict forcefully, the police protection to an individual cannot be ordered for and in such any litigants to a dispute may ask for police protection. If same is granted to individual citizen then probably the State would not be able to protect law & order for public

at large. The circumstances must spell out that special & unavoidable circumstances exists which needs special attention by way of police protection”

6. After hearing both the sides and after going through the materials on record, we do not find any tenable ground to interdict the verdict passed by the learned Single Judge. We make it clear that the Appellant / Writ Petitioner is at liberty to move the appropriate forum in respect of the cause of action, if any, under Civil and Criminal heads. Even though we are not interdicting the order passed by the learned Single Judge declining the relief of Police protection, we remind that there is a duty cast upon the Respondents No. 3 and 4 to see that there is no threat to the law & order situation. Since the Appellant has already moved the said Respondents by way of Annexures P/4 and P/5, it shall be looked into and necessary steps shall be taken to see that the rule of law prevails.
7. With the said observation, the appeal stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge