

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4875 OF 2021**

- Thakur Ram Patel, S/o Shri Vindhyachal Patel (Marar), aged about 54 years, R/o Village Lahroud, Police Station and Tahsil Pithoura, District Mahasamund (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur (C.G.)
2. Tahsildar, Pithoura, District Mahasamund (C.G.)
3. Shiv Patel, S/o Shobha Ram Patel, Owner of Krishi Kendra Beej Bhandar, Lahroud, Police Station and Tahsil Pithoura, District Mahasamund (C.G.) **... Respondents**

For Petitioner	:	Mr. Tushar Dhar Diwan, Advocate, under instructions of Mr. Sudhir Kumar Sahu, Advocate.
For Respondent/State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[08/12/2021]**

1. Present Writ Petition has been filed by the Petitioner seeking for appropriate direction to Respondent No.2 to comply with the order that he has passed restraining the Respondent No.3 from raising certain construction on the alleged property belonging to the Petitioner.
2. This Court, at the outset, is of the opinion that the nature of dispute involved in the present Writ Petition is not one which has to be adjudicated upon by exercising the Writ jurisdiction of this Court. The disputed question of facts have to be thrashed out by way of proper evidence led before the concerned Court, particularly when the title, ownership and possession has to be decided.
3. Moreover, in the instant case, it appears that the proceedings have already been drawn by Respondent No.2 under the Chhattisgarh Land Revenue Code and in that event also the High Court under Article 226 of the Constitution of India would not be in a position to entertain the present Writ Petition in its present form as of now.

4. Grievance of the Petitioner can be redressed by the higher Authorities in the Department and for which the right of the Petitioner stands reserved.

5. Writ Petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge