

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5077 of 2021**

Om Prakash Mishra, S/o Late Shri D.P. Mishra, Aged About 60 Years R/o G. Sai Kunj, Behind L.I.C. Office, Shri Nagar, Gidiyari, Raipur, Tahsil And District - Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through - Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh
2. Collector, Raipur, District - Raipur Chhattisgarh
3. Commissioner, Municipal Corporation, Raipur, District - Raipur Chhattisgarh
4. Tahsildar, Raipur, District - Raipur Chhattisgarh

----Respondents

For Petitioners	:	Mr. Ravindra Sharma, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate
For Respondent No.3	:	Mr. Sandeep Dubey, Advocate

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****10/12/2021**

1. The present writ petition has been filed for the following reliefs:

“10.1) That, this Hon'ble Court may kindly be pleased to issue a writ of mandamus restraining the respondents not to interfere with the possession of the petitioner and the further construction over the land of the petitioner may also be restrained.

10.2) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to demarcate and identify the land before any further construction,”

2. Primarily the grievance of the petitioner is the alleged illegal construction, which the respondent No.3 is carrying on the alleged property, which is privately owned and possessed by the petitioner. According to the petitioner, he is the title holder of the property situated in Khasra No. 722/2 measuring 0.086 hectare, situated at

Mauza Daldal, Sivni, P.H. No.109, Revenue Circle Raipur, Tehsil and District Raipur. According to the petitioner, he has purchased the said property by a registered sale deed executed on 18.02.2005.

3. The grievance of the petitioner is that the respondent No.3 now is in the process of constructing of a Cultural Stage (Rang Munch) over the land adjoining the petitioner's property situated in khasra No. 723 and in the process the construction is being extended into the property, which is exclusively owned and possessed by the petitioner.
4. Be that as it may, considering the nature of dispute this Court is of the opinion that writ remedy is not the recourse or remedy for the petitioner for redressal of his grievance. The proper recourse for the petitioner would be for approaching the concerned revenue authority by getting his property demarcated and in case of any illegal constructions being carried by the respondent No.3 over the petitioner's property, seek for an appropriate remedy before the concerned competent Civil Court having jurisdiction in this regard. With the aforesaid liberty, the present writ petition stands disposed of.
5. It goes without saying that in the even if the petitioner moves an application for demarcation of his property, the Revenue authorities should make all endeavors in getting his property demarcated at the earliest within a period of 3 weeks.
6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge