

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

SA No. 52 of 2019

- Bhanwar Singh Sahu (Died And Deleted) through LRs

1 - A. Smt. Sumitra Bai W/o Late Bhanwar Singh Sahu Aged About 73 Years R/o Village- Mohbhattha, Police Station- Saja, Dist.- Bemetara, C.G.

1 - B. Smt. Brij Bai Sahu D/o Late Bhanwar Singh Sahu, W/o Chandu Sahu Aged About 50 Years R/o Village- Singhori, Thana And Dist.- Bemetara, C.G.

1 - C. Gairam Sahu S/o Late Bhanwar Singh Sahu Aged About 46 Years R/o Village- Mohbhattha, Police Station- Saja, Dist.- Bemetara, C.G.

1 - D. Komal Sahu S/o Late Bhanwar Singh Sahu Aged About 43 Years R/o Village- Mohbhattha, Police Station- Saja, Dist.- Bemetara, C.G.

1 - E. Smt. Purnima Bai D/o Late Bhanwar Singh Sahu, W/o Netram Sahu Aged About 40 Years R/o Village- Ghotwani, Police Station- Saja, Dist.- Bemetara, C.G.

1 - F. Smt. Khemin Bai D/o Late Bhanwar Singh Sahu, W/o Tejam Sahu Aged About 37 Years R/o Village- Manpur, Police Station- Lohara, Dist.- Kabirdham, C.G.

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Versus

1. Budhram Sahu S/o Sukhitram Sahu Aged About 52 Years Occupation Cultivator, R/o Village Mohbhattha, Tahsil Berla, District Bemetara, Chhattisgarh.
2. State Of Chhattisgarh Through The Collector District Bemetara, Chhattisgarh.
3. The Sub Divisional Officer Saja, District Bemetara, Chhattisgarh.
4. The Tahsildar Berla, District Bemetara, Chhattisgarh.

---- Respondents

1-7-2024	Mr. Bharaj Rajput, Adv. for the appellants. Ms. Pragya Pandey, Dy. Govt. Adv. for the respondents No. 2 to 5 on advance copy. Heard on admission and formulation of substantial question of law. The second appeal is admitted for hearing on the following substantial questions of law :- 1. Whether, learned 1st appellate Court has erred in law in reversing the judgment and decree passed by the trial Court ? 2. Whether, the plaintiff has a right to get the encroachment removed from government land alleged to have been made by the defendant No. 4, by claiming his easementary right ? 3. Whether, learned 1st appellate Court has exceed its jurisdiction in respect of removal of encroachment from government land in view of provisions of Section 248 of the CG Land Revenue Code, 1959 ? Issue notice to the respondent No. 1 through registered post as well as usual mode on the above substantial questions of law as well as I.A. No.

	1/2019, application for grant of stay. PF within a week. Since learned Dy. Govt. Adv. has entered appearance on behalf of respondents No. 1 to 3, issuance of notice to them is dispensed with. Having considered the facts of the case, purely as an interim measure, it is directed that effect and operation of the impugned judgment and decree dated 13-12-2018 passed in Civil Appeal No. 33A/2018 by the Upper District Judge, Bemetara, Distt. Bemetara shall remain stayed till the next date of hearing. Certified copy as per rules. Sd/- (Naresh Kumar Chandravanshi) Judge
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