

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 1640 of 2021

I.a. Dhas **Versus** Nimish Agrawal and Another

22.03.2021	Mr. Awadh Tripathi, Counsel for the petitioner. Shri P. R. Patankar, Counsel for the Caveater. Heard Learned counsel for the petitioner submits that on a proceeding under Section 145 & 146 of Cr.P.C., the respondents have lost and also in the injunction, the respondents did not get any favourable order. However, in respect of the land which is subject issue in a mutation proceeding was subject of challenge wherein the name of the initial petitioner was recorded. Subsequently, by order passed by the Revenue Board dated 22.02.2021 (Annexure P/1), the Revenue Board has observed that till the civil suit is decided, the possession of the land should be kept with the respondents namely Nimish Agrawal and Sunil Agrawal. He further submits that the said finding is contrary to the earlier finding by the Courts and on the background that the civil suit is pending and the proceeding under Section 145 & 146 of Cr.P.C, the respondents have not able to establish their possession. Issue notice to the respondents on payment of process fee, as per rules. List the matter after six weeks. In the meanwhile, considering the facts in the earlier order and documents, it is directed that the effect and operation of the order dated 22.02.2021 (Annexure P/1) shall be stayed till the next date of hearing. It is also directed that the petitioner shall not create any third party interest on the land in question. List the case along with WPC No. 1621 of 2021 and WPC No. 1613 of 2021. sd/- (Goutam Bhaduri) Judge
Jyoti	