

(2018) 08 CHH CK 0145

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2238 Of 2018

Girdhari Singh Thakur

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: Aug. 9, 2018

Acts Referred:

- Public Premises (Eviction Of Unauthorized Occupant) Act, 1971 - Section 9

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Upendra Bharat, Abhishek Sinha, Ghanshyam Patel

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. The writ petition is directed against the order dated 27.07.2018 (Annexure - P/1) passed by respondent No. 2 by which the petitioner has been directed to vacate the premises.

2. Learned counsel for the petitioner submits that the impugned order has not been issued by the Estate officer under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971 (for brevity, 'Act of 1971') and, therefore, the order passed is unsustainable and bad in law and is liable to be set aside.

3. Learned counsel for respondents would submit that the Estate officer has passed the order on 22.08.2008 against which the petitioner had preferred an appeal before the District Judge under Section 9 of the Act of 1971 which was dismissed by order dated 08.12.2016 against which Civil Revision

was filed by the petitioner before the Court which was dismissed by this Court by order dated 29.06.2018 and that order evicting the petitioner passed

by the Estate officer has attained finality and the Estate officer has already authorized the Railway to take possession of the subject land forcefully

against which the notice Annexure-P/1 has been issued to the petitioner.

4. I have heard learned counsel for the parties, perused the impugned order and gone through the records with utmost circumspection.

5. The order of eviction passed by the Estate officer evicting the petitioner under the Act of 1971 was duly affirmed in appeal by the Appellate

Authority and the revision preferred by the petitioner has also been dismissed by this Court in Civil Revision No. 29/17 and as such, the order of Estate

officer passed on 22.08.2008 has become final and the railway is entitled to take possession of the land in dispute. Petitioner is not entitled to re-open

the issue already settled between the parties by way of this writ petition. As such, I do not find any merit in the writ petition.

6. Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).