

(2018) 06 CHH CK 0180

Chhattisgarh High Court

Case No: Civil Revision No. 72 Of 2017

Ajay Kumar Sahu

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision: June 27, 2018

Acts Referred:

- Code Of Civil Procedure, 1908 - Section 115

Hon'ble Judges: Thottathil B. Radhakrishnan, CJ

Bench: Single Bench

Advocate: Rajeev Bharat, Abhishek Sinha

Final Decision: Dismissed

Judgement

Thottathil B. Radhakrishnan, CJ

1. Disputes arose in relation to dispossession of unauthorised occupants from the land in possession of the South East Central Railways; for short,

'Railways'. Such disputes arose when the Railways asserted that they own the said land. It appears that different persons filed writ petitions before this Court and a direction was issued to the Revenue to identify the land. The land was identified. Annexure R/2 is the report of the Revenue in that regard. That report is dated 18.03.2016.

2. Revision Petitioner-Ajay Kumar Sahu was issued with a notice by the competent authority under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. His response to that notice was negated by the statutory authority. That has led to this revision after the challenge levied by him before the District Judge also failed.

3. The learned counsel for the Revision Petitioner very persuasively points out that the Revenue, in its pleadings, has stated that the Petitioner is not in possession of any part of that particular parcel of land. He therefore impeaches the issuance of the notice. However, on due consideration of the materials, it can be seen that the notice was issued on the basis of alleged occupation following trespass. In making a better choice, the Railways would always stand well advised to issue notices to the persons who could either be treated as intruders, trespassers, or probably obstructors.

Annexure R/2 unequivocally shows that the land mentioned therein belongs to the Railways. That being so, whoever be in possession, the Railways are entitled to take possession of the land covered by Annexure R/2 without reference to the identity of the persons in occupation. If there is any objection from any person, the due process has to be followed for dispossession.

4. In as far as the Revision Petitioner is concerned, his further plea is that the land is Abadi land and therefore, it is the Government's land. Obviously, such a plea does not lie at the hands of the Revisioner Petitioner as against the Railways, which carries out its operations on lands belonging to the State/Union. This plea also, therefore, does not deserve to be entertained in a revision under Section 115 of the Code of Civil Procedure, 1908; for short 'CPC'.

5. I do not find any illegality, irregularity or impropriety in the impugned decisions. The Courts below have exercised jurisdiction duly vested in it and they cannot be criticized of having exercised jurisdiction which is not vested in them by law or of having failed to exercise jurisdiction vested in them.

There is also no ground to hold that the Courts below have acted illegally or with material irregularity in the exercise of jurisdiction. No grounds for interference under Section 115 CPC is made out. This revision therefore fails.

6. In the result, this revision petition is dismissed.