

Jitendra Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-04-2012

Appellant : Jitendra Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. S. K. Dubey

Judgement :

1 W. P. No.17290/2012 4.12.2012. Shri S. K. Dubey, learned counsel for the petitioner. Heard on the question of admission. The petitioner has filed this petition under Article 226 of Constitution of India for following reliefs:

1. To call the records pertaining to the case of the petitioner for kind perusal of this Hon'ble Court.
2. To direct the respondents No.1 and 2 to give back the possession of the petitioner of the part of land bearing Khasra No.274 situated at village Raksahakala, Tehsil Teonthar, District Rewa (M.P.) according to the old field book.
3. To direct the respondents No.1 and 2 to inspect the spot and after removing the encroachment created by respondent No.7, Government path may be opened.
4. To direct the respondents to not to dispose the petitioner from his own land bearing Khasra No.274 situated at Village Raksahakala, Tehsil Teonthar, District Rewa.

5. To direct the respondents to maintain the status-quo according to the previous demarcation dated 5.5.2000 and order dated 24.6.2000.
6. To direct the respondent No.8 to register the offence against the respondent No.6.
7. To direct the respondent No.1 to hold an inquiry and punish the officers who have harassed and victimized the petitioner illegally
8. To direct the respondent No.6 to compensate the damages to the tune of Rs.1,60,000/- to the petitioner.
9. To award the cost of litigation to the petitioner.
10. Any other suitable relief deemed fit, in the facts and circumstances of the case may also kindly be granted together with the cost of the present case. The petitioner's counsel after taking me through the papers placed on record argued that the respondent No.6 being Sarpanch of the village taking advantage of his position facilitate the respondent No.7 to construct a house on Government land and thereafter respondent No.6 with the connivance of other respondents is trying to create new path from the land of the petitioner as stated in the petition and in spite making various complaint no steps have been taken by any of officer of the respondents authority against respondent No.6 or 7, so also other respondents, on which the petitioner has come to this Court with this petition and prayed to grant above mentioned relief. Having heard the counsel after perusing the papers placed on record, I am of the considered view that the disputed facts and questions involved in this petition could not be adjudicated by this Court under Article 226 of Constitution of India, the same could be considered and adjudicated only after recording the evidence of the parties either by civil Court or the other forum permissible under the law. So far the activities of the respondent No.6 and 7 or some other respondents are concerned, it is suffice to say that first information report at the instance of the petitioner has already been 3 registered with the police, if the petitioner wants any action against any of the aforesaid respondents then he has a remedy under Section 154 of Cr. P. C. and under Section 200 and 202 of Cr.P.C. and besides this in spite the complaint of the petitioner if some person like

respondent has not been made an accused in criminal case then he has a remedy under Section 319 of Cr. P. C. to file the application before the competent court to implead such respondent or person as an accused in the criminal case.. In such premises, all alternate forum are available to the petitioner to raise his disputes which has been raised in this petition. In the aforesaid circumstances, I am not inclined to invoke the extra ordinary jurisdiction of this Court vested under Article 226 of the Constitution of India for giving any of the reliefs prayed by the petitioner in this petition. Consequently, this petition is hereby dismissed at the stage of motion hearing. (U. C. Maheshwari) Judge k

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