

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1434 of 2015

Jai Dayal Nirala S/o Shri Bal Kumar Nirala Aged About 35 Years (Sarpanch Gram Panchayat, Kachhar), R/o Post Kachhar, Police Station: Bhupdevpur, Tahsil & District: Raigarh, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, New Raipur, Police Station Rakhi, District Raipur, (Chhattisgarh)
2. The Collector, Raigarh, District Raigarh, (Chhattisgarh)
3. The Sub Divisional Officer, (Revenue) Raigarh, District Raigarh (Chhattisgarh)
4. The Mining Officer, District Officer Raigarh, District Raigarh, (Chhattisgarh)
5. Chain Singh Diwan S/o Late Girdhari Singh Diwan, Aged About 45 Years R/o Post Kachhar, Police Station Bhupdevpur, Tahsil & District Raigarh, (Chhattisgarh)
6. Member Secretary, State Level, Environment Impact, Assessment Authority Chhattisgarh, Govt. Of India, Ministry Of Environment & Forest, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur, District Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	-	Shri P.K. Patel, Advocate
For Respondents/State	-	Shri S.P. Kale, Dy. A.G.

Order On Board

17/08/2015

Heard on admission.

1. The petitioner has filed this petition against report submitted by the Sub-Divisional Officer (Revenue) to Mining Officer, Raigarh in respect of complaint regarding alleged use of Bhumiswami land for carrying out mining operation.

2. Learned counsel for the petitioner submits that the Panchayat has not been afforded an opportunity of hearing by Sub-Divisional Officer (Revenue) before making a proposal based on some fact finding enquiry.

3. Right now, there is no order passed against the petitioner or against the Gram Panchayat. The Sub-Divisional Officer (Revenue) has forwarded to the mining officer result of a fact finding enquiry. It goes without saying that in case mining authorities decide to cancel the lease granted in favour of Gram Panchayat, the Panchayat would be entitled to proper opportunity of hearing. The petition is premature and is accordingly dismissed.

4. With the aforesaid observations, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E