

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 738 of 2016

M/s R. G. Builders Through Its Proprietor R.K. Agrawal S/o Shri Ram Kishore,
Aged About 64 Years, R/o Normal School Road, Bilaspur, District Bilaspur
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Department Of Panchayat, Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Sub Divisional Officer, (Revenue) Bilaspur, District Bilaspur Chhattisgarh
3. Nagar Panchayat, Sirgitti, Through Its Chief Municipal Officer, Sirgitti, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

Shri Sunil Otwani, counsel for the petitioner/s.
Shri B.Gopakumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/03/2016

This petition has been filed by the petitioner aggrieved by inaction on the part of the respondent authorities in considering petitioner's application for release of plot in accordance with the provisions contained in Rule 10 (8) of the M.P. (CG) Gram Panchayat (Registration of Colonizer Terms and Conditions) Rules, 1999 (for short 'the Rules of 1999').

2. Learned counsel for the petitioner submits that the petitioner was granted colonizer license under the provisions of the C.G. Panchayat Raj Adhiniyam, 1993 read with Rules of 1999 in the year 2006. The petitioner developed a colony and a completion certificate was also issued in favour of the petitioner by Sub Divisional Officer (Revenue) on 20/06/2007. It is submitted that in the present case, even though the plots which were separately reserved were made available for allotment by the competent authority, allotment has not taken place

for reasons not attributable to the petitioner. In this eventuality, the petitioner submitted representation before the respondent authorities for release of the plots under the provisions of Rule 10 (8) of the Rules of 1999 which has remained pending. A prayer, therefore, has been made that the competent authority be directed to decide petitioner's application.

3. Learned State counsel submits that under the rules, the competent authority would be the Sub-Divisional Officer (Revenue). The petitioner has made representation before the Chief Executive Officer.

4. Considering the aforesaid submission, material on record and the certificate which has been placed on record, the claim of the petitioner does not appears to be frivolous and requires consideration by the competent authority as defined under the Rules of 1999.

5. In view of the above, at this stage, the petition is disposed off with a direction to the competent authority / Sub-Divisional Officer (Revenue) of the concerned area to consider petitioner's claim with due reference to the provisions contained in the Rules of 1999 and decide the same within a period of three months from the date, the petitioner submits his application for release of land to the competent authority / Sub-Divisional Officer (Revenue).

6. The petition is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge