

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 771 of 2016

Gopal Prasad Shrivastava S/o. Late Kuleep Sahai, Aged About 67 Years R/o. Ward No. 6, Near I D B I Bank, Kavita Complex, Kanhar Approach Road, Police Station And Post Ramanujganj, Civil District Balrampur Ramanujganj, Revenue District Ambikapur, Surguja (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Ambikapur, District Surguja (Chhattisgarh)
3. Collector, Balrampur, District Balrampur Ramanujganj (Chhattisgarh)
4. Sub Divisional Officer (Revenue), Ramanujganj, District Balrampur Ramanujganj (Chhattisgarh)

---- Respondents

Shri Manoj Paranjpe, counsel for the petitioner.
Shri Ramakant Mishra, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2016

This petition has been filed by the petitioner aggrieved by the orders issued by respondents 3 and 4 and various steps taken in the matter of cancellation of grant earlier made in favour of the petitioner.

2. The submission of learned counsel for the petitioner is that earlier, when grant made in favour of the petitioner was cancelled, the petitioner had filed a writ petition before this Court which was allowed vide order dated 22/06/2006. It was held by this Court that the order passed by the SDO could be revised *suo motu* only by the State Government and the order passed by the District Collector, the Commissioner as well as the Board of Revenue were held

unsustainable and set aside. He further submits that the Court reserved liberty in favour of the statutory authorities to take appropriate steps / action against the petitioner if the grant made in his favour by the Sub-Divisional Officer, Ramanujganj, was otherwise illegal in accordance with law.

3. The grievance of the petitioner is that now the Collector again has got an enquiry made, recommended institution of FIR and cancellation of grant against him. It is submitted that it is not the competent jurisdiction of the Collector but in the teeth of the order passed by this Court.

4. Learned State counsel submits that all that is done by the SDO and Collector is that they have collected material and forwarded to the State Government. It is submitted that these are all recommendations and decision has to be taken by the State Government only.

5. Keeping in view the submission of the State counsel on record, this petition is disposed off at this stage. Whatever is written and forwarded, is only in the nature of recommendations and as ordered by this Court earlier, the competent authority would be the State Government alone.

It goes without saying that no adverse action shall be taken against the petitioner unless the State Government passes order in the matter.

Sd/-

(Manindra Mohan Shrivastava)
Judge