

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 633 of 2016

1. Dalit Kumar Kurre S/o Late Shri Kamdeo Kurre, Aged About 43 Years R/o Vikas Nagar/ Sheetlapara, Kondagaon, Distt. Kondagaon (Chhattisgarh)
2. Manoj Kumar Banjare S/o Late Shri Kamdeo Kurre, Aged About 28 Years R/o Sanjada, Tahsil Kondagaon, Distt. Kondagaon (Chhattisgarh)
3. Naresh Kumar Banjare S/o Late Shri Kamdeo Kurre, Aged About 25 Years
4. Radheshyam S/o Late Shri Kamdeo Kurre, Aged About 22 Years

Petitioners No. 3 & 4 are R/o Village Lanjoda, Tahsil Kondagaon, Distt. Kondagaon (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt. Raipur (Chhattisgarh)
2. The Commissioner, Bastar Division, Jagdalpur, Distt. Jagdalpur (Chhattisgarh)
3. The Collector, Kondagaon, Distt. Kondagaon (Chhattisgarh)
4. Sub Divisional Magistrate, Kondagaon, Distt. Kondagaon (Chhattisgarh)
5. Revenue Inspector, Pharasgaon, Distt. Kondagaon (Chhattisgarh)
6. Patwari, Patwari Halka No. 28, Distt. Kondagaon (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Awadh Tripathi, Advocate
For Respondents/State	:	Shri B. Gop Kumar, Dy. A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/03/2016

Heard.

1. This petition has been filed by the petitioners raising grievance that though the petitioners are holders of leased land, after their names were mutated upon death of their father, the original lease holder, the petitioners are not being allowed to reap the benefits. It is further stated that a part of the land has already been used for developing a playground for a Govt. school. Upon representation made by the petitioners to the competent authority including the Commissioner of Baster Division, till date, no orders have been passed in the matter by any of the competent authority except undertaking certain internal correspondences.
2. Learned counsel for the State submits that the report submitted by the Collector, prima facie, reveals that though lease was granted earlier in favour of petitioners' father namely Kamdev Kurre, the petitioners are not cultivating the land. Therefore, cancellation of lease has been proposed.
3. Till date, the lease granted in favour of the petitioners' father and mutation of name of the petitioners as present lease holders has not been cancelled nor any proceedings have been drawn. The petitioners being lease holders are entitled to enjoy the benefit of lease. It appears that the Commissioner has obtained report from the Collector.
4. The inquiry in the matter is required to be brought to its logical conclusion. In any case, as long as the petitioners are recorded lease holders, the benefit to which they are entitled to, cannot be taken away unless the lease itself has been cancelled by any competent authority in accordance with law.

5. Memo dated 5.11.2014 of the Collector shows that he has submitted report before the Commissioner. Let the Commissioner take decision in the matter within a period of 90 days from the date of receipt of copy of this order. If no adverse order is passed against the petitioners, the petitioners shall be entitled to use the leased land or will be entitled to payment of appropriate compensation for deprivation from use on account of utilization of the land or part of it for construction of playground for the school.
6. With the aforesaid observation/direction, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge