

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2391 of 2017**

1. Sudhir Maggu son of Shri Kashiram Maggu, aged about 58 years, R/o. Behind Pujari Park, Tagore Nagar, Raipur, District Raipur (Chhattisgarh).
2. Chhaganlal Patel S/o. Late Manu Bhai Patel, aged about 58 years, R/o. Vishrambi Tower, Fafadih, Raipur, District Raipur (Chhattisgarh).

---Petitioners**Versus**

1. State of Chhattisgarh : Through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. The Commissioner, Raipur Division, Raipur (Chhattisgarh).
3. Competent Authority, urban Land (Ceiling and Regulation) Act, 1976, Raipur, District Raipur (Chhattisgarh).
4. Collector, Raipur (Chhattisgarh).
5. Smt. Chandrakanta Thakur W/o. Sumer Singh Thakur, R/o. Katora Talab, Raipur (Chhattisgarh) Through Power of attorney holder Sudeep Hor S/o. Shri K.B. Hor (Advocate), R/o. Kumhar Para, Fafadih, Raipur, Tahsil and District Raipur (Chhattisgarh)

---Respondents

For Petitioner : Mr. Sachin Singh Rajput, Advocate
 For State : Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01.09.2017**

1. The petitioners have filed this writ petition calling in question the order dated 16.05.2017 by which learned Commissioner, Raipur has directed the Competent Officer to enquire into the matter.
2. Mr. Sachin Singh Rajput, learned counsel for the petitioners

would submit that impugned order is unsustainable and bad-in-law.

3. Mr. Arun Sao, learned Dy. A.G. for the State would submit that the petitioners were not a party before the court of Commissioner and therefore, they have remedy to file an application for modification/recall of the order dated 16.05.2017 before the court of Commissioner, if they are aggrieved.

4. I have heard the learned counsel for the parties and considered their rival submissions made hereinabove.

5. Undisputedly, the petitioners were not a party before the court of Commissioner, therefore if they are aggrieved against the order of Commissioner, they are at liberty to make an application for modification/recall of that order before the Commissioner. If the petitioners file an application for modification/recall of the said order and in that event, the Commissioner will do well and decide the same, expeditiously in accordance with law. The writ petition is accordingly disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge