

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 694 of 2015

1. Suresh Sahu, S/o Late Kejuram Sahu, Aged About 41 Years, R/o Khamtarai, Raipur, Police Station And Police Station Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

(The petitioner No.1 Suresh Sahu is holding power of attorney on behalf of all other petitioners)

2. Ku. Bharti Sahu D/o Late Biharilal Sahu Aged About 43 Years
3. Mahendra Sahu S/o Late Biharilal Sahu Aged About 41 Years
4. Smt. Kesari Sahu W/o Ramnarayan Sahu Aged About 39 Years
5. Devendra Sahu S/o Late Biharilal Sahu Aged About 34 Years
6. Aarti Sahu W/o Harekrishna Mane Aged About 32 Years

All above R/o Gandhi Chowk, Khamtari, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

7. Amritlal Sahu S/o Late Kejuram Sahu Aged About 60 Years
8. Lakhanlal Sahu S/o Late Kejuram Sahu Aged About 58 Years
9. Mohanlal Sahu S/o Late Kejuram Sahu Aged About 55 Years
10. Parvati Sahu Wd/o Late Harilal Sahu Aged About 38 Years

Petitioner No. 7 to 10 are R/o Khamtarai, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

11. Nandani Sahu Wd/o Late Basantlal Sahu Aged About 40 Years R/o Village Sejbahar, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
12. Nirmala Bai Sahu Wd/o Late Kishanlal Sahu Aged About 50 Years
13. Seema Sahu D/o Late Kishanlal Sahu Aged About 29 Years
14. Deepa Sahu D/o Late Kishanlal Sahu Aged About 27 Years
15. Trilok Sahu S/o Late Kishanlal Sahu Aged About 25 Years
16. Dilip Sahu S/o Late Kishanlal Sahu Aged About 23 Years

Respondents No.12 to 16 are R/o Village, Police Station And

Post Sejbahar, Tahsil Civil & Revenue District Raipur,
(Chhattisgarh)

17. Smt. Shashi Bai Sahu D/o Late Kejuram Sahu Aged About 43 Years W/o Paluram Sahu, R/o Village Potiyadih, Police Station And Post Dhamtari, Civil And Revenue District Dhamtari, (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
2. The Registrar Of Public Trust (The Collector), Raipur, District Raipur, (Chhattisgarh)
3. Sub Divisional Officer (Revenue) Raipur, District Raipur, (Chhattisgarh)
4. Tahsildar, Raipur, District Raipur, (Chhattisgarh)
5. Bankebiharilal Agrawal S/o Late Rambhajanlal Agrawal Aged About 68 Years R/o Purani Basti, Baniyapara, Raipur, Tahsil And District Raipur, (Chhattisgarh)
6. Shri Thakur Ramchandra Swami Jaitu Sao Math, A Registered Public Trust, Through Its Trustees (Names And Address Are Give Below As Respondent No. 7 To 15), Situated At Purani Basti, Raipur, Police Station Purani Basti, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
7. Mahant Ram Bhushan Das Aged About 58 Years Chela- Mahant Laxminaryaan Das, R/o Jaitu Sao Math, Purani Basti, P.S. Purani Basti, Tahsil Civil & Revenue District Raipur, (Chhattisgarh)
8. Narayan Agrawal Aged About 60 Years R/o Near Jaitu Sao Math, Purani Basti, P.S. Purani Basti, Tahsil Civil And Revenue District Raipur, (Chhattisgarh)
9. Mahendra Kumar Agrawal C/o Central Bank Of India, Fafadih Branch, Raipur, Police Staton And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
10. Ramkishore Agrawal Lecturer, Govt. High School, Durg, Police Station And Post Durg, Civil And Revenue District Durg, (Chhattisgarh)
11. Satyanarayan Sharma Ex-MLA, Old Bus Stand, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
12. Shambhudayal Shukla Aged About 62 Years R/o Shukla Colony, Raja Talab, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

13. Narsingh Das Daga, Aged About 60 Years R/o Sadar Bazar, Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
14. Jeevandra Nath Thakur Advocate, Turi Hatri, Purani Basti, Police Station Purani Basti, Raipur, Civil And Revenue District Raipur, (Chhattisgarh)
15. Sushil Kumar Singhaniya C/o Hindustan Mill Store, Old Ganj Raipur, Police Station And Post Raipur, Civil And Revenue District Raipur, (Chhattisgarh)

Respondent No.7 to 15 are the trustees of Shri Thakur Ramchandra Swami Jaitu Sao Math, A registered Public Trust, situated at Purani Basti, Raipur, Police Station Purani Basti, Police Station and Post, Raipur, Civil & Revenue District Raipur (CG)

---- Respondent

For Petitioners	Mr. Manoj Paranjpe, Advocate
For Respondent /State	Mr. Ramakant Mishra, Dy. AG
For Respondent No.11	Dr. N.K. Shukla, Senior Advocate with Mr. Mr. Shailendra Shukla, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

5/1/2017

1. Heard.
2. Referring to the order passed by the Division Bench of the M.P. High Court on 25.06.1990 in Miscellaneous Petition No.951/1984, Mr. Manoj Paranjpe, learned counsel for the petitioner, would submit that the Registrar, Public Trusts, was required to reconsider the issue and pass fresh order after holding an enquiry in terms of the observations made in para 5 of the order, however, the said issue is still pending consideration before the Registrar, Public Trusts. Therefore, the

Registrar, Public Trusts, be directed to do the needful at the earliest.

3. In para 5 of the order dated 25.06.1990 passed by the Division Bench of the Madhya Pradesh High Court , the following was observed :

“5. For the aforesaid reasons, both these petitions are allowed. The impugned orders, i.e. order Annexure P-7 dated 16-5-1981 in M.P. No.1502 of 1981, and Annexure P-8 dated 30-8-1983 in M.P. No.951 of 1984 are hereby quashed. The matter shall be reconsidered by the Registrar, Public Trusts which shall in the light of the observations made above, first determine if in terms of the gift-deed the properties can be alienated. For this purpose, he shall also permit the parties to adduce evidence in terms of section 92(6) read with section 95 of the Evidence Act. Parties may also be permitted to lead such evidence as may they like. The Registrar shall also decide whether the property in M.P. No.951 of 1984 is the property of public trust. He shall then proceed to decide those applications in accordance with law. It is, however, made clear that if the transferees have been put in possession of the properties transferred to them and if they are in possession of those properties still, their possession shall not be disturbed during the pendency of those applications before the Registrar and until the adjudication of those applications by him.”

4. It is extremely unfortunate that despite lapse of more than 26 ½ years from the date of passing of the order passed by the Division Bench of the Madhya Pradesh High Court, the issue is still not resolved by the concerned Registrar, Public Trusts.
5. In the obtaining facts and circumstances of the case, instead of keeping this petition pending and allow time to the respondents to file return, ends of justice would be served, if

the writ petition is disposed of with a direction to the concerned Registrar, Public Trusts, to forthwith consider the matter in accordance with the observations made in the order dated 25.06.1990 passed by the Madhya Pradesh High Court in Miscellaneous Petition No.951 of 1984 and pass necessary orders, at the earliest, preferably within a period of 06 months from the date of submission of certified copy of this order before the concerned Registrar, Public Trusts.

6. It is ordered accordingly.

Sd/-

Judge

(Prashant Kumar Mishra)

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