

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.3131 of 2008

M/s Shri Natural Estates 92 Shahid Smarak Complex, Rajbandha Maidan, Raipur, through its partner D.P.Gandhi, M/s Shri Natural Estates 92 Shahid Smarak Complex, Rajbandha Maidan, Raipur.

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Urban Development Department Mantralaya, Raipur (CG).
2. The Secretary, Department of Panchayat and Rural Development, Mantralaya, Raipur.
3. Collector, Raipur.
4. The Sub-Divisional Officer-cum- Competent Authority, Raipur.
5. Municipal Corporation, Raipur, through its Commissioner Municipal Corporation, Raipur, District Raipur.

--- Respondents

For Petitioner : Mr. Jitendra Pali, Advocate
For State/Respondents : Mr. H.B. Agrawal, Sr. Advocate with Ms. Prabha Sharma, Advocate and Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

25.07.2017

(1) Learned counsel appearing for the petitioner would submit that the sanction to develop the residential colony was granted to the petitioner by the Sub-Divisional Officer (Revenue), Raipur on 20.01.2004 and as per Rule 10 of C.G. Panchayat (Registration of Colonizer Terms and Conditions) Rules 1999, 15% of total developed land was handed over to the Municipal Corporation, Raipur for Economically Weaker Section (herein after referred as "EWS") vide Panchnama dated 03.05.2003. The land was completely developed in the year 2003 itself.

He would further submit that the competent authority has failed to allot the plots to the people of EWS within a period of 2 years for which the petitioner has made application before the competent authority to return back the land of the petitioner as per the provision contained in sub-rule(8) of Rule 10 of Rules, 1999, but the same has not been considered and decided till now.

(2) Be that as it may, the petitioner is directed to file fresh representation if any, before the respondent No.4 within a period of three weeks. If such representation is filed by the petitioner before the respondent No.4 and in turn, the respondent No.4 shall consider and decide the representation of the petitioner strictly in accordance with law and pass reasoned and speaking order within a period of three months from the date of receipt of copy of this order along with representation of the petitioner.

(3) If the petitioner's grievance is not redressed/fully redressed, he will be at liberty to revive his petition.

(4) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-