

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 100 of 2016**

- Rajesh Kumar Chopda S/o Moolchandji Chopda Aged About 46 Years District Bureau Chief of Ispat Time, A Daily Newspaper And Member of R K C Fans Club, R/o Station Road, Balod, (Chhattisgarh).

---- Petitioner**Versus**

1. State of Chhattisgarh Through: Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh).
2. Secretary Department Of Forest, Mahanadi Bhawan, Mantralaya Capital Complex, New Raipur, District Raipur, (Chhattisgarh).
3. Collector, Balod, District Balod (Chhattisgarh).
4. Divisional Forest Officer, Balod Division, Balod, (Chhattisgarh).
5. Deputy Divisional Forest Officer, Balod Forest Division, Balod, (Chhattisgarh).
6. Sub Divisional Officer, (Revenue) Balod, (Chhattisgarh).
7. Primary Laghu Vanopaj Cooperative Society, Balod Having Its Registration No. 2316, Through its President Yagyadutt Sharma, S/o Shri Rameshwar Sharma, Aged 51 Years, Office At Range Office, Balod, (Chhattisgarh).

---- Respondents

For Appellant	:	Shri Malay Shrivastava, Advocate.
For Respondent/State	:	Shri R.K.Gupta, Deputy Advocate General.
For Respondent No. 7	:	Shri Anup Majumdar, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****04.10.2017**

1. This writ petition is filed fundamentally on the allegation that the 7th Respondent, who is registered under the provisions of the Chhattisgarh Co-operative Societies Act, has unlawfully utilized a parcel of land ear-marked as per the revenue record as 'grazing lands', for construction of a building.

2. Hearing the learned counsel for the Petitioner and the learned Deputy Advocate General and the learned counsel appearing for the 7th Respondent, it is noticed that disputes exist as to whether the land on which the 7th Respondent has

allegedly put up the building is land ear-marked for any purpose other than that which could be put to use for construction of building and whether the 7th Respondent was within lawful authority to have put up the construction. These are disputes on facts, apparent from the writ petition. However, when issues have arisen as regards the identity of the lands and such issues are referable to revenue records, we are of the view that, having regard to the matters in issue it is appropriate that the Board of Revenue, State of Chhattisgarh, looks into any complaint that the Petitioner may make against the misutilization of the land in question.

3. Hence, this writ petition is ordered directing that if the Petitioner has any specific complaint against the manner in which the particular piece of land referred to in the writ petition has been put to use, that may be raised by the Petitioner before the Board of Revenue, though it is not a party, as such, to this writ petition. The State, being a party to these proceedings, is heard in that regard as well. In such event, the Board of Revenue will issue notices to the requisite parties and decide that issue on the basis of revenue records and all other relevant materials, after hearing the necessary parties. The decision in that regard will be taken by the Board of Revenue within a period of six months from the date of receipt of an appropriate representation from the Petitioner disclosing the relevant facts and factors, with a copy of this judgment.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Arvind Singh Chandel)
Judge