

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 3599 of 2004**

1. Aarti Buildcon P. Ltd., through its Director Suresh Atlani, S/o Golaram Atlani, aged about 45 years, R/o Ashoka Park, Khamardih Road, Shanker Nagar, Raipur (CG).

---- Petitioner**Versus**

1. State Of Chhattisgarh through the Secretary, Revenue Department, DKS Bhawan, Raipur, Dist. Raipur (CG).
2. The Prescribed Authority, Urban Land Ceiling, Raipur, Dist. Raipur (CG).
3. The Chhattisgarh Housing Board, through its Chief Executive Engineer, Chhattisgarh Housing Board, Raipur Division, Raipur (CG).
4. Ashok Kumar Sahu, S/o Shri Bhagirathi Sahu, aged about 45 years, R/o Sondongri, Dist. Raipur (CG).

---- Respondent

For Petitioner	Shri Ashish Surana, Advocate
For Respondent/State	Shri Y.S. Thakur, Addl. Adv. General
For Respondent No.3	Shri Sanjay Patel, Advocate

Order On Board**By****Prashant Kumar Mishra, J.****12/12/2018**

1. Petitioner has purchased 3 parcels of land bearing khasra No.613/108 area 0.809 hectare, khasra No.629/02 area 0.957 hectare and khasra No.657/02 area 0.608 hectare at village Sondongri, RI Circle Raipur I, PH No.107, Raipur, on

31-8-2000. Proceedings under the provision of the Urban Land (Ceiling and Regulation) Act, 1976 (*for brevity 'the Act, 1976'*) was drawn against Bhagirathi, the predecessor in interest of petitioner's vendor and an area of 27211 sq.mtr. was declared as surplus vacant land by issuing final declaration under Section 10 (1) and 10 (3) of the Act, 1976 on 26-6-1989. Thereafter, large area of village Sondongri including the subject land was allotted to the erstwhile Madhya Pradesh Housing Board now succeeded by the Chhattisgarh Housing Board (*for brevity 'the Housing Board'*) for development of a housing project. The said allotment was made in the year 1989 and possession of the land was handed over to the Housing Board on 25-8-1989.

2. According to the petitioner, after purchase of the land he moved before the office of the Town & Country Planning whereupon the petitioner was orally directed to seek NOC (*No Objection Certificate*) from the Housing Board, however, by the order impugned (Annexure – P/6), the Housing Board denied to issue the NOC clearly mentioning that the subject land has been allotted to the Housing Board upon payment of premium and lease rent.
3. In course of hearing, it could not be pointed out to the Court as to under which statutory provision the NOC from the Housing Board would be required, therefore, no mandamus can be issued to compel the Housing Board to grant NOC nor the impugned letter can be quashed which is only an intimation to the petitioner that there is no question of issuance of NOC by the Housing Board because the land has been allotted to it.

4. At this juncture, Shri Ashish Surana, learned counsel appearing for the petitioner, would seek liberty to workout his remedy in respect of ownership of the land.
5. Shri Sanjay Patel, learned counsel appearing for the Housing Board, would object to the prayer on submission that since after issuance of final declaration under Section 10 (1) & 10 (3) of the Act, 1976 no such proceedings would be permissible, as the land already vested in the Government, the petitioner is not entitled to claim ownership over the said land.
6. Be that as it may, the petitioner would be at liberty to workout his remedy in relation to the ownership of the subject land, however, this liberty may not be teated as an opinion of this Court in favour of or against any of the party to the proceeding.
7. Accordingly, the writ petition stands disposed of. No order as to costs.

Sd/-

Judge
Prashant Kumar Mishra

Gowri