

`NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4696 of 2010**

Anil Kumar Tiwari, S/o Tulsiprasad Tiwari, Aged 45 years, R/o Jawaharpara, Champa, Post Champa, Tah. Champa, Distt. Janjgir Champa (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, through Secretary, Revenue Department, District Raipur (C.G.)
2. Collector, Janjgeer Champa, District Janjgir Champa (C.G.)
3. Nazul Officer, District Janjgir Champa (C.G.)

---- **Respondents**

For Petitioner: Mr. K.K. Singh, Advocate.
For Respondents/State: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/01/2018**

Heard.

(1) The petitioner was allotted government land bearing Khasra No. 1858, area 1175 square ft., out of which 2153 sq. feet was for residential purposes whereas 8923 sq. ft. was for commercial purpose i.e. total area 11076 Sq. feet, that has been cancelled by the impugned order dated 10.12.2008, against which instant writ petition has been filed questioning the same.

(2) Learned counsel for the petitioner would submit that the petitioner's allotment of land has been cancelled on non fulfillment of the terms and conditions of the allotment though he has complied with all

the terms and conditions of the allotment of the government land but no reasonable opportunity of hearing was given to the petitioner before passing the impugned order cancelling the allotment of the government land.

(3) Per contra, counsel for the State would support the impugned order.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(5) The order cancelling allotment of Government land in favour of the petitioner involves civil consequences therefore, it ought to have been decided by giving reasonable opportunity of hearing to the petitioner, which has not been done, therefore, the impugned order is liable to be and is hereby set aside. The matter is remitted back to the State Government to hear the petitioner and pass reasoned and speaking order in accordance with law expeditiously preferably within a period of three months from the date of receipt of copy of this order after hearing the affected parties. The petitioner is also at liberty to file additional representation, if any.

(6) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

