

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1080 of 2010

G.S. Solanki, Aged about 50 years, S/o Shri T.S. Solanki, R/o 869,
Sundar Nagar Colony, Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Principal Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Secretary, Urban and Rural Development Department, State of Chhattisgarh, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. Director, Panchayat and Rural Development Department, State of Chhattisgarh, Secretariat, Raipur (C.G.)
4. Collector, Durg (C.G.)
5. Sub-Divisional Officer, Patan, District Durg (C.G.)
6. Patwari, Halka No.5, Gram Ambleshwar, Tehsil Patan, District Durg (C.G.)

---- Respondents

For Petitioners:	Mr. Mateen Siddiqui, Advocate.
For Respondents No.1 to 5 / State:	Mr. Ratan Pusty, Govt. Advocate.
For Intervener:	None present.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/01/2018

1. The Sub-Divisional Officer (Revenue), Patan, under the Chhattisgarh Gram Panchayat (Registration of Coloniser Terms and Conditions) Rules, 1999 and under the Chhattisgarh Panchayat Raj Adhiniyam, 1993 served notice to the petitioner seeking reply to which detailed reply was filed by the petitioner that he has only sold land and he has not established any colony. The SDO (R) on 29-1-2009 simply held that colony has been established which is violation of Section 172 of

the Chhattisgarh Land Revenue Code, 1959 and Section 61 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, and directed registration of FIR against the petitioner to the police which was challenged by the petitioner before the Collector and the Director, Panchayat, but remained unsuccessful against which this writ petition has been preferred.

2. Learned counsel for the petitioner submits that the impugned orders are unsustainable and bad in law.
3. Learned State counsel would support the impugned orders.
4. None present for the intervener.
5. I have heard learned counsel for the parties and perused the documents available on record.
6. Though detailed reply has been filed by the petitioner, but it has not been considered by the SDO (R). Simply in one line it has been held that colony has been constructed which is in violation of Section 172 of the Chhattisgarh Land Revenue Code, 1959 and Section 61 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, holding that the petitioner has not followed the provisions of the Land Revenue Code and Section 61 of the Panchayat Raj Adhiniyam. Reasons ought to have been recorded in some detail by the SDO (R). Likewise, the petitioner has been held to have violated Section 61 of the Panchayat Raj Adhiniyam and directed for lodgment of report (FIR) against the petitioner for commission of offence under Section 61(d) of the said Adhiniyam, but no clear cut finding has been recorded by the SDO (R). Directing registration of FIR against a person is a serious act and also holding that he has flouted the provisions of law involves civil consequences. Therefore, the order must be reasoned and speaking

one which is absolutely missing in the order of the SDO (R), and the learned Collector and the Director, Panchayat have also omitted to consider the relevant considerations while passing the impugned orders.

7. Accordingly, the orders passed by the SDO (R), the Additional Collector and the Director, Panchayat are hereby quashed. The matter is remitted to the SDO (R) for hearing the petitioner and passing a reasoned and speaking order afresh within six weeks, after hearing the parties.
8. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge