

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 3 of 2018**

- Nalanda English Medium Higher Secondary School Run By Kerala Cultural Association, A Society Registered Under The Society Registrkaran Act, 1973 Having Its Registration No. 7922, Having Its Registered Office At Sundar Vihar, Ward No.16, Kurud, Bhilai, District Durg, Chhattisgarh, Through Its General Secretary Namely R.David S/o Late N.I.David, Aged About 57 Years, R/o Sundar Vihar, Ward No.16, Kurud, Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through No. Department Of Revenue, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. The Municipal Corporation Bhilai Through Its Commissioner, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
3. The Collector Collectorate Officer, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
4. The Sub Divisional Officer (Revenue) District Durg, Chhattisgarh, District : Durg, Chhattisgarh
5. The Tahsildar Kurud, District Durg, Chhattisgarh, District : Durg, Chhattisgarh
6. Dr.D.Bharti S/o Shri Deepchand Bharti Aged About 47 Years R/o Arjun Nagar, Ward No.17, Camp 1, Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondents	:	Shri R.K. Gupta, Deputy Advocate General

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****19.01.2018**

1. We have heard the learned counsel for the Petitioner and learned Deputy Advocate General.

2. Having regard to the plea raised by the Review Petitioner, we do not see it necessary to review the complete judgment sought to be reviewed or to issue notice to Respondent No.6 who had instituted the writ petition in which the judgment sought to be reviewed was issued.
3. The directions through the judgment sought to be reviewed are categorical. The State Government authorities were to take due action, in accordance with law, without treating any of the contents of the judgment as operative against the legitimate right of any person in occupation or possession. That clause in the judgment has insulated any person in occupation to raise all contentions that may be available on any issue that may arise for consideration of the Revenue Officials.
4. The learned Deputy Advocate General points out that notices were issued to the review petitioner. The case of the review petitioner appears to be that it is in occupation of some part of the land which is claimed as belonging to it. The review petitioner is, therefore, entitled to an opportunity of hearing by the competent authority before any further action against the review petitioner. The learned Deputy Advocate General submits that the proceedings initiated have been put on hold and the request of the petitioner as made to the revenue authority are pending consideration. We also record the submission on behalf of the learned counsel for the review petitioner, on the strength of the pleadings in the review petition that the review petitioner is also entitled to make appropriate request for transfer of user or title of the property in question even if it is the Government land. A meaningful resolution of the disputes appear to be necessary in view of the fact that the land claimed by the review petitioner is stated to be put to use in connection with the activities of an educational institution. We are assured that the revenue authorities will look into all the aspects of the matter and do needful,

taking into consideration the pleadings and applications, if any, of the review petitioner.

5. In the result, this review petition is ordered clarifying that the judgment sought to be reviewed does not come in the way of any statutory authority considering objections or any application made by the review petitioner, in accordance with law. However, it is ordered that if the petitioner desires to make any further application, that may be filed within a period of two weeks from now. We record the submission of the learned Deputy Advocate General that the structure of the petitioner will not be demolished or possession of any part of the land taken without concluding the proceedings as noted above.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge