

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 679 of 2018

Mohd. Javed S/o Shri Daud Rokadiya Aged About 40 Years R/o
Salhewarpara Dhamtari, Thana And Tahsil Dhamtari Civil And
Revenue District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. Station House Officer Police Station City Kotwali Dhamtari Civil
And Revenue District Dhamtari Chhattisgarh
2. Commissioner Municipal Corporation Dhamtari Thana And Tahsil
Dhamtari Civil And Revenue District Dhamtari Chhattisgarh
3. State Of Chhattisgarh Through District Magistrate, Dhamtari,
District Dhamtari Chhattisgarh

---- Respondents

For petitioner –Smt. Anju Ahuja, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/04/2018

Heard.

1. Instant petition is for modification of the order dated 14/07/2017 which was passed by the coordinate bench of this court in Cr.M.P. No.282/2017. However, since there is exception order has been made by the coordinate bench, matter is listed before this bench.
2. In the earlier round of litigation in Cr.M.P. No.282/2017 by an order dated 14/07/2017 petitioner has withdrawn the petition and direction was issued that the petitioner will remove the godown in question within a period of 9 months from 14/07/2017 so as to place it outside the locality. Subsequently, present petition is filed with following relief:-

“It is therefore, prayed that the Hon'ble Court may kindly be pleased to allow this application and modify the order dated 14/07/2017 directing state authorities to provide alternative piece of land, for shifting the godown, their by extending the time to do the needful,

meanwhile the petitioner be allowed to carry on his ancestral business, since it is the only source of income of the family in the interest of justice.”

I do not find any reason exists to command respondent/State to grant land by order of this court. It is for the respondent/authority to consider the same.

3. The initial petition having been withdrawn in the month of July, 2017 this petition has been filed at the fag end of expiration of such period wherein time limit was fixed on an undertaking given by petitioner. Considering the facts in totality, I do not find any reason to recall the order dated 14/07/2017 passed in Cr.M.P. No.282/2017.

4. Accordingly, the petition has no merit and it is dismissed accordingly.

Sd/-

(Goutam Bhaduri)

JUDGE