

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 75 of 2017

- Rakesh Choubey S/o Late Shri G. P. Choubey, Aged About 49 Years R/o 34- B, Recreation Marg, Choubey Colony, Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Commissioner, Raipur Division, Raipur, District Raipur Chhattisgarh.
3. Collector Nazul Collectorate, Raipur, District Raipur Chhattisgarh.
4. Tahsildar Nazul Raipur, Tehsil And District Raipur, Chhattisgarh.
5. Raipur Stone Clinic Pvt. Ltd. Through Its Director Shri Anoop Agrawal, Having Its Registered Address At 103, Rajiv Gandhi Complex, Balashram Compound, Kutchery Chowk, Raipur Chhattisgarh.
6. Dr. Kamleshwar Agrawal, S/o Shri Ghanshyam Das Agrawal, R/o B-3, Ravi Nagar, Near Mahakoushal Press, Raipur , Chhattisgarh
7. Shri Anoop Agrawal, S/o Shri Ghanshyam Das Agrawal, R/o B-3, Ravi Nagar, Near Mahakoushal Press, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate.
For Respondents No.1 to 4	:	Shri J.K. Gilda, Advocate General
For Respondent No.5 to 7	:	Shri Sunil Otwani, Advocate

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

04/10/2018

1. This public interest litigation has been filed by a person who calls himself as a 'social activist' and firm believer of the rule of law. We have no

reason to doubt that submission so far as present writ applicant is concerned. However, the point which has been raised by him is that the State authorities have allotted a government land ad-measuring 2 acre of Khasra Nos.1223 to 1284 from Patwari Halka No.109 situated at village Kapa, District Raipur to respondent No.5 on a thirty years lease. The purported reason for allotment was to set-up a hospital for public purpose.

2. Allotment was made in the year 2008. Allegation has been made that the allotment was not in terms of the policy and in the alternative, the terms and conditions of the allotment have not been adhered to.
3. So far as the policy is concerned, we are *prima facie* satisfied that such a decision was not taken in isolation, therefore, the allegation or insinuation deserves to be rejected.
4. We have heard learned counsel for the parties including learned Advocate General for the State. We are, however, not satisfied on one aspect of the matter that if the object and purpose for which the land was allotted on a subsidized rate was for setting up of a hospital, which has not seen the light of the day in the last ten years, then whether object of such allotment has achieved even in the extended time when the hospital was required to be made functional, is required to be looked into.
5. This Court would not like to review the issue at this stage but then the State surely has a responsibility and duty to revisit and review whether the faith and trust coupled with the public policy under which such allotment was made has been achieved or not.
6. Learned Advocate General, on instructions and inputs, informs the Court that private respondent has been directed to appear before the concerned authority on 11.10.2018 and he further assures the Court that some kind

of decision keeping the totality of situation will emerge in which the private respondent will also be given an opportunity to place his case, which in our opinion will also be mandated or requirement of the principles of natural justice.

7. Accordingly, this PIL stands disposed off. Decision which may be taken by the respondent authorities of the State will decide the future course of action.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-