

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3239 of 2018

1. Phoolchand Dewangan S/o Shri Chheduram Dewangan Aged About 69 Years R/o Ward No.8, Chhurikala Chhuri, Katghora Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Mahendra Dewangan S/o Shri Phoolchand Dewangan Aged About 36 Years R/o Ward No. 8, Chhurikala, Chhuri, Katghora, Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Yashwant Dewangan S/o Shri Poolchand Dewangan Aged About 39 Years R/o Ward No. 8, Chhurikala, Chhuri, Katghora, Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Sukhchand Dewangan S/o Shri Chheduram Dewangan Aged About 55 Years R/o Ward No. 8, Chhurikala, Chhuri, Katghora, Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. National Highway Authority Of India Through Its CMD, G-5 & 6, Sector-10, Dwarka, New Delhi., District : New Delhi, Delhi
3. Director Project Implementation Unit Bilaspur, Nhai, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Collector District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Sub Divisional Magistrate (Revenue) Tehsil- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
6. Tehsildar, Tehsil-Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
7. Sub Registrar, Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

For Petitioners
For Respondent-State
For Respondent-NHAI

Shri Vaibhav Shukla, Advocate
Shri Y. S. Thakur, Addl. AG
Ms. Fouzia Mirza, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

28/11/2018

1. Learned counsel for the petitioners would submit that because of the order (Annexure-P-1), the petitioners are not allowed to transfer their land within their own family.
2. Learned Addl. Advocate General would refer to paragraph 2 of the order (Annexure-P-1) to submit that the petitioners have the remedy of approaching the SDO (Revenue)-cum-Land Acquisition Officer, Katghora for verification and permission to transfer the land.
3. At this Stage, Shri Vaibhav Shukla, learned counsel for the petitioner, would draw attention of the Court to the document (Annexure-P-4) to impress that the petitioners have already moved before the SDO (Revenue), but no orders have been passed on the said application.
4. It appears, Annexure-P-4 has been moved merely 20 days back i.e. on 09.11.2018. It is a matter of common knowledge that the Assembly Election for electing new Assembly has taken place on 20.11.2018, therefore, there may be some administrative difficulty for the SDO (Revenue) to consider the application.
5. Considering the entire facts situation of the case, the writ petition is disposed of with direction to the SDO (Revenue)-cum-Land Acquisition Officer, Katghora, District Korba to consider petitioners' application (Annexure-P-4) and decide the same in accordance with law, at the earliest, preferably within a period of 6 weeks from today.

Sd/-
Prashant Kumar Mishra
Judge