

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 128 of 2018**

- Rkm Powergen Pvt. Ltd. Through Its Power Of Attorney Holder Pratap Rout Son Of Shri D. Rout Aged About 46 Years, R/o Village Uchpinda, P. S. And Tahsil Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Industries/revenue Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. The Collector, District Janjgir-Champa, Chhattisgarh.
3. The Sub Divisional Officer(R), Cum Land Acquisition Officer, Dabhra, Tahsil Dabhra, District Janjgir-Champa, Chhattisgarh.
4. Kameshwar Prasad Jaiswal, Shri Sundar Lal Jaiswal, Aged About 31 Years R/o Village Bandhapali, Post Dhurkot, P. S. And Tahsil Dabhra, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Vipin Tiwari, Advocate
For State/Respondents No.1 to 3	:	Shri Gagan Tiwari, Deputy Government Advocate with Shri Vikram Sharma, Panel Lawyer
For Respondent No.4	:	Shri Surfaraj Khan, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per, Ajay Kumar Tripathi, Chief Justice****15.03.2019**

1. This Writ Appeal is directed against the order dated 11.01.2018 passed by learned Single Judge, whereby, direction has been issued for strict compliance of the order dated 28.09.2015 passed by the Collector in favour of the Land Oustee (land purchased).
2. Learned counsel for the appellant would submit that the appellant aggrieved by the order passed by the Collector has already preferred an appeal before the Commissioner but there is no substantial progress in the appeal. He would also submit that the application for stay has also been moved which is still pending for consideration. Therefore, the respondent/writ petitioner is not justified in seeking a direction by approaching the Court in his favour when the matter is remained pending for consideration.

3. On the other hand, learned counsel for the respondents submits that even though, an appeal has been preferred by the appellant, herein, the Commissioner has not granted any interim order in their favour. Therefore, the order of the Collector stands which obliges the appellant, herein, to comply with the direction.
4. After hearing learned counsel for the parties, we are of the opinion that this appeal, at this stage, can be disposed off with the direction to the Commissioner/the Appellate Authority to hear and decide appellant's appeal against the order of the Collector. While it would be in the fitness that the appeal is disposed off, at an early stage, we hereby issue a direction to the Commissioner/ Appellate Authority to decide the stay application within an outer limit of six weeks. If there is no interim order granted in favour of the appellant, the Collector's direction issued on 28.09.2015 will have to be complied with.
5. With the aforesaid direction, the appeal is disposed off.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge