

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 11 of 2013

- Indian Agro and Food Industries Ltd., a company incorporated under the Indian Companies Act, 1956 Through its Director Anjum Alvi, S/o Late Dr. Iqbal Alvi, aged about 49 years,, R/o Ward No.19, Anupam Nagar, Rajnandgaon, Police Station Basantpur, Post Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary., Deptt. Of Panchayat and Social Welfare, Mahanadi Bhawan Naya Raipur, Post Office and Police Station Naya Raipur, District Raipur, Chhattisgarh
2. Collector, Rajnandgaon, PS & PO Rajnandgaon, District Rajnandgaon, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dongargaon, PS and PO Dongargaon District Rajnandgaon, Chhattisgarh
4. Gram Panchayat, Tilairwar, Through its Secretary, Gram Panchayat, PS & PO Dongargaon, Dist. Rajnandgaon, Chhattisgarh
5. Sarpanch, Gram Panchayat. Tilairawar PS and PO Dongargaon District Rajnandgaon, Chhattisgarh
6. Gram Sabha, Tilairawar, Through The Sarpanch, Gram Panchayat Tilairawar, PS and PO Dongargaon, Dist. Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	Shri Rajeev Shrivastava, Advocate
For Respondent-State	Shri Sanjay Agrawal, GA
For Respondent Nos.5 & 6	Shri Roop Naik, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

22/01/2019

1. It appears, at the time of taking decision by the Gram Panchayat for recalling of the earlier NOC issued to the petitioner for establishing a poultry farm, the petitioner was not provided any opportunity of hearing.
2. When the resolution of the Gram Panchayat was assailed by preferring appeal before the SDO (Revenue), Dongargaon, the said Authority has recorded contradictory finding, inasmuch as at one stage the SDO is of the opinion that a resolution of a Gram Panchayat is not appealable and at some other place, a finding is recorded that the Gram Panchayat has passed an order according to its reasonable understanding of the things.
3. Be that as it may, since the petitioner has not been afforded opportunity of hearing before passing the resolution by the Gram Panchayat but since no formal order has been issued after passing of the resolution by the Gram Sabha, ends of justice would be served if the petitioner again moves before the SDO (Revenue), who shall hear the petitioner as well as the concerned Gram Panchayat and pass necessary order either to continue the NOC earlier allowed to the petitioner or to withdraw the NOC in public interest.
4. The writ petition is disposed of.

Sd/-

Prashant Kumar Mishra
Judge