

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3924 of 2019**

Sandeep Mishra S/o Late Shri Ramesh Prasad Mishra Aged About 38 Years R/o Turkapara, Palace Road Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Amitabh Mishra S/o Late Ramesh Prasad Mishra R/o Turkapara, Palace Road Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Smt. Sanjulata Mishra W/o Late Ramesh Prasad Mishra Turkapara, Palace Road, Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
3. Anita Mishra (Mahapatra) D/o Late Ramesh Prasad Mishra W/o Shri Satyanarayan Mahapatra, R/o Beladula, Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raipur, Chhattisgarh
4. Amita Mishra D/o Late Ramesh Prasad Mishra W/o Late Mohanlal Through Mohm. Latif Khan, R/o Palace Road, Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
5. Leena Mishra (Panda) D/o Late Ramesh Prasad Mishra W/o Shri Diwakar Panda, R/o Ganpati Nagar, Changorabhata Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
6. Saroj Mishra (Padi) D/o Late Ramesh Prasad Mishra W/o Shri Sharad Padi, R/o Block Office Road, Kwadmuda, Tahsil And District Sundergarh, Orisa, District : Sundargarh, Orissa
7. State Of Chhattisgarh Through Collector, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
8. Sub Divisional Officer (Revenue) Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
9. Nazul Officer Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
10. Additional Commissioner Bilaspur, Division Bilaspur, Camp Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dharendra Prasad Mishra, Advocate
For State	:	Ms. Ishwari Ghrilahre, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06/11/2019

1. The relief sought for by the petitioner in the present writ petition is for appropriate direction to the respondent No.10 to decide the appeal which has been preferred by the petitioner and which is pending before respondent No.10 since June, 2018 be decided at the earliest.
2. Facts of the case is that the petitioner's father had received lease in respect of Najul land measuring 3574 Square feet in Plot No.220 in Najul Land sheet No.57 wayback in the year 1992. Petitioner and his father have been enjoying the right over the said property since then continuously. The lease period will complete on 31.03.2022. Meanwhile, father of the petitioner died on 29.07.2011. The petitioner and respondent No.1 to 6 are the children of the deceased Ramesh Prasad Mishra. After the death of the deceased Ramesh Prasad Mishra in whose favour the lease was executed by the respondent No.9, the petitioner and his brothers and sisters moved an application for mutation of the said land in their name in the Revenue Records. The Najul Officer proceeded further with the matter and directed to publish the proclamation and invited objections on 26.07.2012. However, meanwhile, the Najul Officer passed an order that since there is some appeal pending before the Hon'ble Supreme Court vide Civil Appeal No. 10214/16 the Najul Officer did not proceed further with the matter. Against which the petitioner preferred an application before Collector and Collector also has not properly appreciated the facts of the case and confirmed the order of the Najul Officer on the ground of pendency of some appeal before the Hon'ble Supreme Court. The petitioner then preferred the writ petition i.e. WPC

No. 1179/2018 which too was not entertained by the Writ Court reserving the right of the petitioner to approach the appropriate authority under law. The petitioner thereafter preferred an Second Appeal before the Additional Commissioner, Bilaspur on 11.06.2018 during its Camp Court at Raigarh and thereafter the appeal was admitted for hearing and notices were issued to the respondents but till date the Additional Commissioner has not made any substantial progress in the Second Appeal which has led to the filing of the present writ petition.

3. The contention of the petitioner is that it is more than 1 ½ years that all the parties have entered appearance and duly served upon but till date no progress has been made in the Second Appeal. Thereafter, however Additional Commissioner directed to decide the appeal at the earliest.
4. Given the facts and circumstances of the case and also taking note of the peculiar circumstances prevailing, this Court is of the opinion that ends of justice would meet if the Additional Commissioner i.e. respondent No.10 is directed to decide the Second Appeal of the petitioner within a period of one year from the date of receipt of copy of this order. The Additional commissioner shall verify the fact as to whether the matter pending before the Supreme Court has got some relevance to the present dispute or not?
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge