

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3730 of 2019

Shiv Nandan Shivas S/o Late Shri Dwarika Prasad Shivas Aged About 69 Years By Profession - Ex Sarpanch, R/o Ward No. 06, Fingeshwar, Tahsil Rajim, and Civil Revenue District and District Gariyaband Chhattisgarh.

--- Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Secretary, Urban Administration Development, Block D, Indravati Bhavan, New Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Environment Conservation Board North Block, Sector 19, New Raipur, Atal Nagar, Raipur District Raipur Chhattisgarh.
3. The Collector District Gariyaband Chhattisgarh.
4. The Chief Executive Officer Nagar Panchayat Fingeshwar, District Gariyaband Chhattisgarh.
5. District Trade and Industries Center Through General Manager, District Gariyaband Chhattisgarh.
6. Smt. Chanchal Yadu W/o Shri Kamlesh Yadu Aged About 36 Years P / O - M/s. L & S Mini Rice Mill, Ward No. 03, Moulipara, Fingeshwar, Tahsil Rajim, Civil and Revenue District and District Gariyaband Chhattisgarh.

---Respondents

For Petitioner	:	Shri JA Lohani, Advocate
For State	:	Shri Ayaz Naved, Dy. Govt. Advocate.
For Respondent 2	:	Shri Anumeh Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.10.2019

1. The present writ petition has been filed by the ex-Sarpanch of village Fingeshwar, Tehsil Rajim, District Gariyaband, praying for an appropriate direction to the respondents against illegal construction of Rice Mill over the Abadi land situated at Village Fingeshwar in Patwari Halka No.8.
2. Shri Anumeh Shrivastava, Advocate, entering appearance on behalf of respondent No.2 submits that prima facie it appears that there is no permission as such granted to the respondent No.6 for construction of said Rice Mill. He further submits that perusal of records would show that the petitioner has already made representation/objection to the District Collector in this regard and which is still pending consideration.

3. The State counsel accepts notice on behalf of respondents No.1,3 and 5 and would submit that it needs to be verified whether there has been proper sanction/allotment of land to the respondent No.6 or not. On verification if it is found to be illegal construction, appropriate action would be taken by the authorities concerned.
4. Given the said facts and circumstances of the case, this court does not intend to keep this petition pending any further. Rather ends of justice would meet if the writ petition is disposed of directing the respondents No.2 to 5 to consider the pending representation of the petitioner, if any. The petitioner would be entitled for filing fresh representation to the respondent authorities, which the authorities would promptly consider and decide the same. In the event, if it is found that the respondent No.6 is illegally constructing said Rice Mill without any due permission or allotment, appropriate remedial steps shall be taken by the respondent authorities at the earliest.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder