

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4150 of 2019**

Ramaswami Pillai S/o Late Subramaniam Pillai Aged About 90 Years Through Power Of Attorney Holder Shri Ravichndra Pillai, S/o Ramaswami Pillai Aged About 50 Years, R/o C-4, Sector 2, Udaigrih Nirman Samiti, Opposite Mishra Aata Chakki, Taatibandh Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue Mantralaya, Mahanadi Bhawan, Naya Raipur, Post Office And Police Station Nava Raipur, District Raipur Chhattisgarh.
2. Board Of Revenue Through Its Chairman, Board Of Revenue (Circuit Court Raipur), Bilaspur District Bilaspur Chhattisgarh.
3. Collector Raipur, District Raipur Chhattisgarh.
4. District Registrar Office Of District Registrar Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Ms. Ishwari Ghritlahare, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/11/2019**

1. The grievance of the petitioner in the present writ petition is in as much as the respondent no.3 not deciding the application filed by the petitioner seeking permission to sell his property, which situates at khasra No. 286/13 and portion of 286/30 measuring 2 hectares at village Bhadha, Tahsil Tilda, District Raipur.
2. The contention of the petitioner is that the petitioner is a person aged more than 90 years of age and is suffering from various ailments and for his personal requirement, he intends to sell the property and for which the petitioner had moved an application, which was initially rejected by the Collector, however, subsequently in due course of time, the Board of Revenue finally has vide order dated 19.12.2016 allowed the revision of

the petitioner setting aside the order of the Collector as well as the Commissioner refusing grant of permission.

3. After the order of the Board of Revenue, there is no further impediment for the respondent No.3 in granting such permission. He has already moved an application in this regard vide Annexure P/11, but till date the same has not been decided. Annexure P/11 was an application filed by the petitioner as early as on 10.12.2018 and almost one year has passed, till date the application has not been finally decided.
4. Given the aforesaid factual matrix of the case, particularly taking note of the decision of the Board of Revenue, Bilaspur dated 19.12.2016, which has categorically held that the rejection of the application of the petitioner seeking permission to sell the property to be bad in law and the same having attained finality, the respondent No.3 is duty bound to consider the application of the petitioner afresh immediately keeping in view the order passed by the Board of Revenue dated 19.12.2016 (Annexure P/10).
5. Given the said facts, the writ petition stands disposed of directing the respondent No.3 to immediately take a decision on the application filed by the petitioner seeking permission keeping in view the decision of the Board of Revenue dated 19.12.2016.
6. It is expected that the respondent No.3 shall take a decision at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge