

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 601 of 2019

(Arising out of order dated 23/10/2019 passed by learned Single Judge in WPC- 3827 of 2019)

- Pramod Kumar Singh S/o Late Gajadhar Singh Aged About 40 Years R/o Qtr. No. 424, Near New Jain Temple, Shantinagar, Kohka, Post Office Ramnagar, Supela, Bhilai, Tahsil and District Durg Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Collector Durg District Durg Chhattisgarh.
2. Sub Divisional Officer Revenue Durg, District Durg Chhattisgarh.
3. Tahsildar Tahsil Office, Durg District Durg Chhattisgarh.
4. Station House Officer Police Station Chawni, Durg, District Durg Chhattisgarh.

-----Respondents

For Appellant	: Shri Punit Ruparel, Advocate.
For Respondent-State	: Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Parth Prateem Sahu, J

17/12/2019

1. This appeal has been preferred against the order dated 23-10-2019 passed by the learned Single Judge in WPC No. 3827 of 2019 dismissing the writ petition on the ground of the delay.
2. The facts of the case in nutshell are that, the appellant moved an application before the Competent Civil Court for granting Succession which was registered as Succession case No. 35/1996 and order has been passed in favour of the appellant on 14-01-1997. In pursuance to the order of Succession in his favour, he filed an application before the Magistrate for releasing the Articles/ property, which was seized by police and was kept with Nazarat at Durg. By virtue of the order passed in his favour by the Court of the Additional District Magistrate, Durg, the Articles claimed by appellant was delivered to him on

13-08-1999 by the Court of Tahsildar, Durg. The appellant, after accepting the Articles which he received in a Court proceeding of Tahsildar on 13-08-1999, was satisfied and thereafter has not raised any objection before any Authority at any point of time.

3. The appellant, for the first time, sent legal notice on 30-06-2010 to the Government authorities and thereafter, lapse of about 9 years on 16-10-2019, raised the issue of not handing over all the Articles for which he is entitled for, by way of filing a writ petition before this court.
4. The learned Single judge after taking into consideration the facts and issue involved in the case and also the dates and events mentioned in the writ petition, dismissed the writ petition holding that the petition has been filed after delay of about 22 years.
5. The learned counsel for the appellant submits that, though there was an order by the competent Court in his favour in Succession case, thereafter, in pursuance of the order in his favour in Succession case, the learned Magistrate has also passed an order in his favour directing the competent authority to release/ deliver the Articles to the appellant but all the Articles have not been delivered to him.
6. Per contra, learned counsel representing the State submits that the appellant after satisfying himself with the Articles supplied/ delivered to him by the Tahsildar in compliance of the order passed by the learned Magistrate has not pursued the matter any further and, therefore, he cannot be permitted to raise the said objection or the grievance after lapse of a period of 22 years, therefore, the learned Single judge has rightly dismissed the writ petition. He submits that the orders have attained its finality as neither the order of Magistrate nor proceeding of Tahsildar was challenged any further by filing appropriate proceedings.

7. We have heard the learned counsel for the appellant as well as learned counsel representing the State and perused the record.
8. Perusal of the Annexure P/4 which is the document dated 30-06-2010 filed by the appellant in the writ petition which is a legal notice on his behalf to the concerned authorities, wherein it has been specifically mentioned that pursuant to Annexure P/1 order passed by the Additional District Magistrate, Durg, the Tahsildar has handed over him the Articles on 13-08-1999. Considering that since 1999, after accepting the Articles the appellant has not further raised any objection that all the Articles for which he is entitled for has not been handed over to him by the Tahsildar in the revenue proceedings or before any other forum and further that, for the first time the notice has been sent by the appellant only on 30-06-2010 after more than 11 years, thereafter, the writ petition has been filed in the year 2019 after two decades from the date of the order of Tahsildar.
9. Considering the facts and circumstances of the case that the appellant wants to raise the issue which has attained its finality on 13-08-1999 by accepting the Articles which were delivered to him in pursuance to the order passed by the Magistrate and is satisfied with it at that point of time, we do not find any infirmity or error in the order passed by the learned Single Judge.
10. For the foregoing reasons, we are not inclined to entertain this appeal. The appeal being devoid of any merit which is liable to be and is hereby dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge