

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4382 of 2019

Vidhi Narayan Shukla S/o Late Shri Shivshankar Shukla Aged About 68 Years R/o Village Gandhi Chowk, Blodabazar, District Balodabazar Bhatapara, Through Power Of Attorney Holder Shri Rajesh Kumar Agrawal, S/o Shri Rk Agrawal, Aged About 42 Yrs, R/o Village Dhurrabandha, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Ministry Of Food Civil Supplies And Consumers Protection, Secretariat, Capital Complex, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
2. The Sub-Divisional Officer (Revenue) Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
3. The Tahsildar Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh
4. The Patwari Patwari, Patwari Halka No.44, Dhurrabandha, District- Balodabazar-Bhatapara, Chhattisgarh
5. Prathmik Krishi Saakh Shahkari Samiti Maryadit Tehka Having Its Registration No. 850, Through Its Society Manager, Dhurrabandha, District- Balodabazar-Bhatapara, Chhattisgarh.

---Respondents

For Petitioner	:	Shri B.P.Sharma, Adv.
For State	:	Shri V. R. Tiwari, Additional A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.12.2019

1. The grievance of the Petitioner in the present writ petition is that the action on the part of the respondents in deleting the name of the Petitioner from the registration carried out by the respondent No. 5 Society.
2. The grievance of the Petitioner is that he is a cultivator and member of the said society. In the previous Kharif Season i.e. for the year 2018-19, the name of the petitioner was duly registered and he has also sold paddy for the said year to the respondent No. 5 society. For the Kharif Season 2019-20 in the provisional list that was published again the name of the Petitioner was reflected. However, in the final list, the name stood deleted.

The petitioner had approached the authorities concerned questioning the same since no action was taken by the respondent.

3. Today, when the matter is taken up, Additional A.G. produced an order passed by the office of the Tehsildar Bhatapara District BalodaBazar dated 02.12.2019 whereby the application of the petitioner has been rejected on the ground that he is not cultivating the said land nor he is the owner of the said land and land is being cultivated by some other persons.
4. Counsel for the Petitioner, at this juncture, submits that once when the petitioner has been registered cultivator of the respondent No. 5 for the Kharif Season 2018-19 and his name is reflected in the provisional list for the year 2019-20. In the event, his name was to be deleted from the same, the petitioner ought to have been intimated of this and he should have been given a reason why they are deleting his name. That no such opportunity or explanation has been given nor any called from the Petitioner.
5. According to the Petitioner he has sold paddy to the respondent No 5 in the previous year so far as dispute of the title of the land is concerned, there is already an order passed by the High Court in F.A. No. 63/2019 whereby the petitioner has preferred a first appeal and the Division Bench of this Court had ordered for maintaining status quo on 15-02-2019 which means if the Petitioner is in possession of the land he continues to enjoy the possession till further orders passed in the said first appeal.
6. Under the circumstances, the action on the part of the respondent in deleting the name of the petitioner from the registration list seems to be bad in law and also in violation of the Principle of Natural Justice.
7. The Petitioner is directed to appear before the respondent No. 3 afresh on the 10.12.2019 supported with all relevant document in support of his claim and the respondent No. 3 is also required to conduct physical

verification required for the registration in the presence of the petitioner and after due verification of the same take a decision so far as registration part is concerned.

8. Let this exercise be completed within a period of 2 weeks starting from 10.12.2019. It shall be the responsibility of the Petitioner to apprise respondent No. 3 so far as the order passed by this Court is concerned. That the respondent No. 3 shall take a decision in the light of the circular dated 25.07.2019.
9. With the aforesaid observations, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha