

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4529 of 2019**

- Ranjay Singh S/o Madan Singh Aged About 38 Years R/o Sargipal Para, Kondagaon, District Kondagaon, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Principal Secretary, Revenue Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector, Kondagaon District Kondagaon, Chhattisgarh.
3. Tahsildar, Kondagaon District Kondagaon, Chhattisgarh.
4. Chief Municipal Officer Nagar Palika Parishad, Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondents

For Petitioner : Shri T.K. Jha, Advocate.
 For Respondents/State : Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per, P.R. Ramachandra Menon, Chief Justice****16/12/2019**

1. The Petitioner has moved this Court with the following prayers:

“10.1 That, this Hon'ble Court may kindly be pleased to call the entire records relating to this case.

10.2 That, this Hon'ble Court may kindly be pleased to allow the petition and set-aside the notice inviting tender dated 09.09.2019 and further proceedings and direct the respondents to comply with the direction of Hon'ble High Court passed in W.P.(C) No. 2307/2019 for grant of lease in favour of petitioner.

10.3 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition.”

2. When the matter came up for consideration before this Court on the last occasion, the maintainability to the petition was doubted. The Petitioner was admittedly not desirous to participate in the tender and the grievance was only with regard to the claim for getting the 'lease rights' over the property, which was pending consideration before the Tahsildar, which was directed to be considered as per the verdict dated 10.07.2019 passed by the learned Single Judge in Writ Petition (C) No. 2307 of 2019.
3. The case projected before this Court is that, the Petitioner, admittedly, was an encroacher in to the Government land. However, he had filed an application for granting a 'Patta', based on which objections were called for. No objections were stated as received and it was in the said circumstance, that Writ Petition (C) No. 2307 of 2019 was filed before this Court. The said petition was disposed off, directing the Competent authority/Tahsildar to consider the claim and to have it finalized. It was without any regard to the said direction and passing of appropriate orders, that the authorities proceeded with allocation of said land for construction of road, by inviting tender; which made the Petitioner to approach this Court for setting aside the proceedings.
4. Today, when the matter is taken up for consideration, the learned counsel representing the State submits that the idea and understanding of the Petitioner that the proceedings were not finalized as directed by this court is not correct and that, after passing the judgment in Writ Petition (C) No. 2307 of 2019, the claim of the Petitioner was considered and it was rejected as per the proceeding bearing No. 4/३१-20(1)/2019-20 dated 19.11.2019, a copy of which is placed for perusal of this Court.

5. In the above facts and circumstances, nothing remains to be considered in the writ petition. It stands dismissed, in view of the course and proceedings pursued by the Respondents; however, without prejudice the rights and liberties of the Petitioner to challenge the order, if aggrieved, in accordance with law.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Hem