

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 77 of 2020

1. Jagannath Prasad Patel S/o Nilambar Prasad Patel Aged About 68 Years
R/o Village Patharipali, Post Pahanda, P. H. No. 16, Revenue Circle -
Sarangarh, Tahsil Sarangarh, District - Raigarh Chhattisgarh.
2. Narayan Prasad Patel S/o Nilambar Prasad Patel Aged About 72 Years
R/o Village Patharipali, Post Pahanda, P. H. No. 16, Revenue Circle -
Sarangarh, Tahsil Sarangarh, District - Raigarh Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Revenue Department,
Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. The Collector, Raigarh, District Raigarh Chhattisgarh.
3. The Sub Divisional Officer (R), Sarangarh, District - Raigarh Chhattisgarh.
4. The Tahsildar, Tahsil Sarangarh, District - Raigarh Chhattisgarh.
5. The Manager, Sewa Sahkari Samity Maryadit Kedar, Tahsil Sarangarh,
District - Raigarh Chhattisgarh.

---Respondents

For Petitioners	:	Shri R.S. Patel, Advocate.
For State	:	Shri P. Acharya, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.01.2020

1. The relief sought for by the petitioners in this petition is for an appropriate direction to the respondents to purchase paddy belonging to the petitioners on the basis of registration that has been done by the respondents.
2. The State counsel was directed to seek instructions in this regard. The State counsel submits that inadvertently the registration of the petitioners was done, but subsequently when there was an objection received by the eldest brother of the petitioners, the Sub Divisional Officer immediately

instructed the concerned authorities not to proceed with the registration and not to accept the token issued to the petitioners. The State counsel further brought to the notice of the court an order dated 27.10.2016 passed in WPC No.2542 of 2016. The said writ petition was filed by the petitioner No.1 himself. The said writ petition also was for registration of the petitioner as Cultivator for the purpose of selling paddy for Kharif year 2015-16. This court while disposing of that writ petition, at that point of time itself, had directed the petitioner to get the property partitioned in accordance with the provisions of Chhattisgarh Land Revenue Code and thereafter may move an application for registration. The petitioner was also directed to approach the Tehsildar and the Tehsildar was directed to ensure that proceedings are concluded before the next Kharif season.

3. From the argument which has been advanced by the counsel for the petitioners, it appears that subsequent to the disposal of the previous writ petition of the petitioner dated 27.10.2016, there does not seem to be any further development that has transpired, inasmuch as, the petitioner has not taken any steps for partition in terms of Chhattisgarh Land Revenue Code, or at least the counsel for the petitioner has not been instructed in this regard. The said order dated 27.10.2016 had attained its finality. In the teeth of the said order, it would not be proper for this court now to entertain another writ petition for the same cause of action and for the same relief, particularly when the directions given in the earlier writ petition has not been complied with or at least has not been brought to the notice of the court in the present writ petition.
4. Under the circumstances, this court does not intend to entertain the writ petition by issuance of any writ to the respondents. The writ petition fails and is rejected.

5. Needless to mention that, as has been observed in the order dated 27.10.2016 in WPC No.2542 of 2016, if the petitioners move an application for partition under the provisions of the Chhattisgarh Land Revenue Code before the Tehsildar, the same would be considered at the earliest preferably within a period of three months from the date after service is complete on all the parties to the said proceeding.

Sd/-
(P. Sam Koshy)
Judge

inder