

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 238 of 2020

Pawan Kumar Patel, S/o Shri Awadhram Patel, Aged About 34 Years, R/o Village Tekapara, Tahsil Dhamdha, District Durg, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector District Durg, Chhattisgarh.
3. The Upper Collector District Durg, Chhattisgarh.
4. The Sub-Divisional Officer Durg, District Durg, Chhattisgarh.
5. The Tahsildar Tahsil Dhamdha, District Durg, Chhattisgarh.
6. Gram Panchayat Bori Through The Sarpanch (Smt. Lokeshwari Dhimar), Block Development- Dhamdha, Tahsil Dhamdha, District Durg, Chhattisgarh.
7. Jila Kendriya Sahkari Bank (Maryadit) Durg Through the C.E.O, Tahsil and District Durg, Chhattisgarh.
8. Shushil Bajare S/o Late Revaram Banjare R/o Village Kareli, Tahsil Dhamdha, District Durg, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.06.2020

1. The grievance of the petitioner in the present writ petition is the action on the part of the respondents in construction of a building over a land which otherwise is a government land falling under the category "Grass Land".
2. According to the petitioner, the said piece of land is the right of way of the petitioner for long and in case if the construction is carried out, the petitioner would be deprived of the right of way to his house.

According to the petitioner, the said land is a "Nistari Land" which is used by the entire villagers and since the land has been categorized as "Grass Land", the respondent authorities would not have given permission for any sort of construction over the said land unless the land use is changed.

3. Today, when the matter is taken up, the counsel for the petitioner submits that his grievance would be redressed if the writ petition itself can be disposed of directing the Collector to look into the grievance of the petitioner and to take an early decision.
4. Given the fact that the counsel for the petitioner accepts the matter to be resolved by the Collector after thorough enquiry of the matter, this court is of the opinion that the ends of justice would also meet if the writ petition is disposed of directing the petitioner to file a fresh detailed representation in addition to whatever representation that he has made in the past to the respondent No.2 within a period of 7 days from the date of receipt of the copy of this order, and the respondent No.2, in turn, shall decide the representation of the petitioner within a period of 15 days from the date of receipt of the representation of the petitioner.
5. While deciding the said representation, the respondent No.2 shall look into the entire aspects including various orders that have been passed by the different revenue authorities in the past and which are still holding the field.
6. Accordingly, the writ petition stands disposed of. Meanwhile, it is also expected that the respondent No.2-Collector, if required, can issue

appropriate instructions to the authorities concerned ensuring that further damage is not caused to the said land till he takes a decision.

Sd/-
(P. Sam Koshy)
Judge

inder