

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.6326 of 2010**

Prem Chand Soni, S/o Shri Radhe Shyam @ Radhe Lal Soni, aged about 38 years, Occupation Retired Ex. Nayak, R/o Village And Post Office Dhardai, Tahsil Pamgarh, Distt. Janjgir Champa C.G. **---- Petitioner**

Versus

1. Board Of Revenue Chhattisgarh, Bilaspur, District Bilaspur (CG)
2. Collector Janjgir, District Janjgir-Champa (CG)
3. Sub-Divisional Officer (Revenue) Pamgarh, Tahsil Pamgarh, District Janjgir-Champa (CG)
4. Tahsildar Pamgarh, Tahsil Pamgarh, District Janjgir Champa (CG)
5. Messrs Ispat Industries Limited through the authorized Signatory Shri Pramthesh Mishra, S/o Shri R.C. Mishra, Deputy General Manager Ispat Industries Limited, 317, 3rd Floor, Lalganga Shopping Mal G.E. Road Raipur, District Raipur (CG) **---- Respondents**

For Petitioner	:	Mr. Rajesh Kumar Sharma, Advocate
For Respondent/State	:	Mr. Aditya Bharadwaj, Panel Lawyer
For Respondent No.5	:	Ms. Prakritee Jain, Advocate appears under instructions from Mr. Prateek Sharma, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****15/01/2020**

Heard.

1. By this petition, under Article 226/227 of the Constitution of India, the petitioner has assailed correctness and validity of order dated 19.04.2010 (Annexure P/1) passed by the Board of Revenue and has prayed for quashing. The petitioner also prayed for direction to the second respondent to proceed further in the matter of allotment of Government Waste land to the petitioner.

2. Facts necessary for adjudication of controversy involved in the petition are that the petitioner, an Ex-army man, had applied for allotment of 5 acres of land in Village-Dhardai on 07.09.1999. While the application of the petitioner remained pending and certain recommendations were also made, in the meantime, the Collector proceeded to pass an order allotting huge chunk of land admeasuring 130.406 hec. in favour of General Manager, District Industries Centre, Janjgir-

Champa. This also included the land situated in Khasra No.1160/1, Village Dhardai, in respect of which, the petitioner had also moved an application for allotment and which had remained pending. At the time when allotment order was passed by the Collector on 30.05.2008, allotting the aforesaid parcel of the Government land in favour of the General Manager, District Industries Centre, Janjgir-Champa, the petitioner did not raise any dispute. Later on, the order of allotment was challenged by one M/s. Ispat Industries Limited by filing an appeal before the Board of Revenue, in which, order was passed by the Board of Revenue on 19.04.2010 directing allotment of the land in favour of the said party/respondent No.5. At this stage, the petitioner challenged the said order by filing this petition.

3. Learned counsel for the petitioner would submit that the petitioner's application for grant of allotment was filed way back on 07.09.1999 and when the proceedings were at an advance stage, all of a sudden, without information and notice of the petitioner, the State authorities/the Collector proceeded to make an allotment of land for which the application was made by the petitioner to the General Manager, District Industries Centre, Janjgir-Champa and later on, respondent No.5 approached the Board of Revenue and order has been passed in his favour without considering petitioner's entitlement. He would further submit that if the said land, for any reason, could not be allotted to the petitioner, the petitioner could be considered for allotment of any other parcel of land as the petitioner is an Ex-Army man.

4. Learned State counsel would submit that at the time, when the proceedings were drawn for allotment of land in favour of the General Manager, District Industries Centre, Janjgir-Champa, for development of Industrial Area, the petitioner, despite invitation of objection through public notices, did not raise any objection and remained silent. It is only when the petitioner found that respondent No.5 approached the Board of Revenue and got an order of allotment in his favour that the petitioner has filed this petition. Referring to the averment made in the written statement and the return, learned counsel for the State would submit that the petitioner's application is still pending and the authorities would be considering and deciding the same in accordance with law.

5. It is found that though the petitioner had submitted an application for allotment of 5 acres of land on 07.09.1999, before proceedings could be finalized, the Collector allotted huge chunk of land admeasuring 130.406 in favour of the General Manager, District Industries Centres, Janjgir-Champa. This allotment appear to be for the purposes of developing industrial area. This also included the land in respect of which the petitioner had applied. Moreover, the petitioner did not file any rejoinder to traverse the specific pleadings made in the return of the State

that before making allotment of land in favour of General Manager, District Industries Centre, Janjgir-Champa, objections were invited and those who had submitted their objections were duly considered but the petitioner did not raise any objection. It is thus clear that the petitioner, though, had applied for allotment of land but when the proceedings for allotment of land were initiated for being allotted in favour of General Manager, District Industrial Centre, Janjgir-Champa, the petitioner did not submit any objection and kept silent and allowed the allotment of the subject land to be made in favour of the General Manager, District Industries Centres, Janjgir-Champa. The petitioner has not come out with any pleadings much less any material to show that the said order of allotment made by the Collector was ever challenged by the petitioner in any proceedings. The petitioner appears to have woken up from slumber only when the allotment order passed by the Collector in favour of General Manager, District Industries Centre, Janjgir-Champa, was challenged in appeal by respondent No.5 who himself was claiming allotment of land in his favour and in whose favour, the Board of Revenue passed an order on 19.04.2010.

6. Therefore, the petitioner having not raised any objection with regard to allotment of land in favour of the General Manager, District Industries Centre, Janjgir-Champa nor having challenged the order of the Collector making allotment of land in favour of the General Manager, District Industries Centre, Janjgir-Champa, cannot raise any grievance with regard to allotment of the land, for which, he had applied only because the Board of Revenue, later on, passed an order in favour of one M/s. Ispat Industries Limited. Therefore, no interference is called for against the said order passed on 19.04.2010.

7. In the return, however, the State has come out with the clear stand that the petitioner's application is still pending and would be decided in accordance with law.

8. The petitioner may pursue his application for allotment of land with the State authorities for allotting any other land. If the petitioner pursues such application by submitting a reminder along with copy of this order, the competent authority shall consider petitioner's claim for allotment of any other land in accordance with law.

9. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge