

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1133 of 2020

Smt. Vandana Singh W/o Shri Anjiv Kumar Singh Aged About 44 Years R/o Near Vishwakarma Temple, Marin Drive Ambikapur, P.S. Ambikapur, District Surguja Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through The Secretary, Revenue Department Mantralaya New Raipur, District Raipur Chhattisgarh.
- 2.** The Secretary, Urban Development Department, Mantralay New Raipur, District Raipur Chhattisgarh.
- 3.** The Collector of Surguja Ambikapur District Surguja Chhattisgarh.
- 4.** The Nazul Officer Ambikapur, District Surguja Chhattisgarh.
- 5.** The Commissioner of Municipal Corporation Ambikapur, District Surguja Chhattisgarh.

---Respondents

For Petitioner	:	Shri Prabhat Kumar Saxena, Advocate.
For State	:	Smt. Fouzia Mirza, Addl. Advocate General.
For Respondent 5	:	Shri Bhupendra Singh, Advocate.
For Intervenors	:	Shri Manoj Paranjpe, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04.06.2020

- 1.** The counsel for the petitioner submits that the defaults pointed out on the previous day has already been removed.
- 2.** The dispute in the present writ petition revolves around the claim on the land situated at Khasra No.2027/14 at Ambikapur, behind Vishwakarma Mandir.
- 3.** The contention of the petitioner is that there is a land measuring approximately 1000 sq. ft. and which is situated just in front of the house of the petitioner and her door opens into the said piece of land. Her further claim is that the said piece of land is a government Nazul Land and she has already moved an application for grant of lease over the said Nazul Land.

4. Shri Manoj Paranjpe, learned counsel appearing for the intervenors-Vimla Yadav and Kamla Yadav states that the said portion of land is already in possession of the intervenors for more than five decades and so far as possession part is concerned, the intervenors already have a decree in their favour from the competent court of law. Therefore, the claim of the petitioner is not justified and raises an objection for grant of any relief to the petitioner.
5. The counsel for the respondent No.-5, Municipal Corporation, Ambikapur, submits that initially the Municipal Corporation had decided to construct a road over the said disputed property, however because of dispute in respect of the said land, the construction of road as of now has been deferred with.
6. At this juncture, learned counsel for the State submits that since the petitioner has already approached the Collector, District Surguja, for grant of lease and also for redressal of her grievance, let the Collector, Surguja take an appropriate decision on the claim put forth by the petitioner in accordance with law, subject to her fulfilling all other requirement under the law and the prevailing policy.
7. Given the said submissions made by the counsel for the parties, this court is of the opinion that ends of justice would meet if the writ petition is disposed of directing the respondent No.3-District Collector, Surguja, to take a decision on the claim of the petitioner after hearing all the concerned parties in respect of their claims and try to resolve the dispute in accordance with law and a decision be taken within a period of three months from the date of receipt of copy of this order.
8. Meanwhile, as an interim measure, it is ordered that let status quo in respect of possession of the property be maintained as it stands today. It

is expected that the Collector shall take a decision in accordance with law after hearing all the concerned parties involved in the case.

9. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder