

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1201 of 2020**

1. Chintaram Sahu, S/o Late Dukhiram Sahu, Aged About 42 Years
2. Smt. Sukwara Bai, W/o Late Dukhiram Sahu, Aged About 60 Years,  
Both R/o Village Akaltari, Police Station And Tahsil Akaltara, District-  
Janjgir-Champa, Chhattisgarh, Mo.No. 9111406502

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through- Secretary, Department of Panchayat,  
Mantralaya, Atal Nagar Raipur, Tahsil And District- Raipur,  
Chhattisgarh
2. Collector, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Akaltara, District Janjgir-  
Champa, Chhattisgarh
4. Sarpanch, Gram Panchayat Akaltari, Police Station And Tahsil  
Akaltara, District- Janjgir-Champa, Chhattisgarh

**-----Respondents**

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|-----------------|----------------------------------------|
| For Petitioners | : Mr. Ratnesh K. Agrawal, Advocate     |
| For State       | : Mr. V.R. Tiwari, Addl. Advocate Gen. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**12.06.2020**

1. The limited grievance that the petitioner has made in the present writ petition is in-respect-of the land admeasuring 1.00 acre situated at village: Akaltari, P.H. No. 2/15, Tahsil: Akaltara, District: Janjgir-Champa (C.G.).
2. According to the counsel for the petitioners, the petitioners are the legal representatives of the deceased Dukhiram, who died on 03.09.2015. According to the counsel for the petitioners, the person namely, Dukhiram was given a lease hold over the said property with

Bhoomi Swami Rights. However, subsequent to the death of Dukhiram the name of the petitioners, who are the legal heirs have not been able to add their name into the Government records and inadvertently the property now stands entered in the name of the Government in the records, though the property being still in physical possession of the petitioners. It is stated that the Respondent No. 4 is now trying to dis-possess the petitioners from the said piece of land by trying to dig a tank over there. The contention of the counsel for the petitioners is that the petitioners have already approached the District Collector by moving an application u/s 57 (2) of the Chhattisgarh Land Revenue Code, 1959. The limited prayer that the petitioner prays for is that let the Collector take a decision on the said application at the earliest and till then, the status of the property be not disturbed, detrimental to the interest of the petitioners.

3. The State counsel, however, opposing the petition submits that it is only in the month of May that the petitioner has approached the Collector and he has without waiting for a reasonable period of time straight away rushed to the High Court seeking for issuance of writ. He further submits that undisputedly the property is a Government land, even in the revenue records, it is reflected as a Government land. Therefore, as on date, the petitioners do not have a substantial right over the said property.
4. Having heard the contentions put-forth on either side, undisputedly what is reflected is that the property earlier seems to have been leased out in the name of Dukhiram, who died on 03.09.2015. The contention of the counsel for the petitioners is that, the petitioners are

the legal heirs of the deceased Dukhiram, the lease holder inasmuch as the petitioner no. 1 is the son of Dukhiram and the petitioner no. 2 is the wife of the Dukhiram and as such, they have some right over the said property and they cannot be disturbed, unless the application u/s 57 (2) is decided by the Collector.

5. Given the said facts that the application u/s 57 (2) is already pending before the District Collector, this Court is of the opinion that ends of justice would meet, if the Respondent No. 2 is directed to consider and decide the application u/s 57 (2), at the earliest.
6. Given the said facts, the disputed land was in the name of the father of the petitioner no. 1 and wife ie., the petitioner no. 2, who were in the possession of the said property and claim to have the possession of the said land still, this Court is of the opinion that let status-quo as it exists today be maintained till the Respondent No. 2 i.e., Collector takes a final decision on the application u/s 57 (2) of the Land Revenue Code, 1959 preferred by the petitioners.
7. With the aforesaid observation, the present writ petition stands disposed off.

**Sd/-  
(P. Sam Koshy)  
Judge**