

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1364 of 2020**

1. Tahir Noor S/o Mohammed Khan, Aged About 30 Years, R/o Lakhanpur, Tahsil Lakhanpur, District Surguja, Chhattisgarh
2. Manvarul Haq S/o Narul Haq, Aged About 32 Years, R/o Lakhanpur, Tahsil Lakhanpur, District Surguja, Chhattisgarh
3. Firdous Khan S/o Samimuddin, Aged, About 28 years, R/o Lakhanpur, Tahsil Lakhanpur, District Surguja, Chhattisgarh
3. Bhupendra Jaiswal S/o Shivnarayan, Aged About 32 Years, R/o Lakhanpur, Tahsil Lakhanpur, District Surguja, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Agriculture (Fisheries) Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh
2. Chief Municipal Officer, Nagar Panchayat Lakhanpur, Tahsil Lakhanpur, District Surguja, Chhattisgarh
3. Assistant Director (Fisheries) Ambikapur, District Surguja, Chhattisgarh
4. Nagar Panchayat Lakhanpur, Tahsil Lakhanpur, District Surguja Chhattisgarh
5. Collector Ambikapur, District Surguja, Chhattisgarh
6. Harijan Machua Sahkari Samiti Maryadit R/o Village Shivpur, Tahsil Lakhanour, District Surguja Chhattisgarh, Through Its President Rajesh Sarthi S/o Late Amol Sarthi, Aged About 35 Years, R/o Ward No. 15, Nagar Panchayat Lakhanpur, District Surguja, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Anurag Singh, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

30.06.2020

1. The writ petition has been filed seeking quashment of an order passed by the Chief Municipal Officer, Nagar Panchayat, Lakhanpur dated 30.10.2019 cancelling the lease of a pond granted to the petitioners and ordering for fresh auction of those ponds.
2. During the course of hearing, it has been revealed that against the said order dated 30.10.2019, the petitioners have already approached the Collector by way of an appeal. That the Collector vide order dated 12.06.2020 ordered that he is not competent to hear the appeal in the given facts and circumstances of the case, as the order dated 30.10.2019 was passed at the behest of the order passed by the Collector himself on 07.11.2017.
3. Against the said order of the Collector, the petitioners have also approached the Commissioner and later to the Additional Commissioner who in turn has forwarded the case of the petitioners back to the Court of the Commissioner for hearing.
4. Given the facts, it would not be proper for this Court to interfere in the proceedings at this juncture, since the appeal has already been preferred to the Commissioner and which is still pending.
5. In view of the above the writ petition itself is disposed of by directing the Commissioner, Sarguja to take up the matter on priority basis and

decide the same on its own merits in accordance with law at the earliest.

6. The petitioners would also be entitled for pursuing their interim application before the appellate authority i.e. the Commissioner.
7. The writ petition accordingly stands disposed of.

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