

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1454 of 2020**

Smt. Reena Rai W/o Sundar Rai Aged About 37 Years R/o Mayapur,
Ambikapur, Tahsil Ambikapur, District Sarguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through- The Secretary-Revenue Department, Mahanadi Bhawan, New Raipur, Tahsil And District Raipur, Chhattisgarh
2. The Secretary Urban Development Department, Mantralaya, New Raipur, District Raipur, Chhattisgarh
3. The Collector Of Sarguja Ambikapur, District- Sarguja, Chhattisgarh
4. The Nazul Officer Ambikapur District- Sarguja, Chhattisgarh
5. The Commissioner Of Municipal Corporation Ambikapur District Sarguja, Chhattisgarh
6. Smt. Vandana Singh W/o Shree Anjiv Kumar Singh Aged About 44 Years R/o Near Vishwakarma Temple, Marine Drive Ambikapur, Police Station- Ambikapur, District- Sarguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sumit Singh Rathore, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.
For Respondent No.5	:	Mr. Bhupendra Singh, Advocate

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

10/07/2020

1. The grievance of the petitioner in the present writ petition seems to be the refusal on the part of the Collector, District Surguja in not permitting the petitioner to file an objection on the application that the respondent No.6 has filed for grant of lease over the property situated in khasra No. 2027/1, situated at Mayapur, Tehsil Ambikapur, District Surguja.
2. The counsel for the petitioner submits that earlier a writ petition was filed by the respondent No.6, before this high court which was registered as WP(C) No. 1133/2020 and which stood disposed of on

04.06.2020. It would be also necessary to reproduce paragraph No.7 of the said order, which for ready reference is reproduced herein under:

“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.”

3. The plain reading of the aforesaid observation of this Court while disposing of the writ petition filed by the respondent No.6 would make it clear that this Court while disposing of the writ petition had clearly intended that anybody interested in the aforesaid property would have a right of hearing before the District Collector.
4. Under the circumstances, if the petitioner has approached the District Collector with respect of the objection or contention that she has on the application filed by the respondent No.6 is concerned, this Court is of the opinion that the Collector in all fairness should have permitted the petitioner also to make a submission and it is expected that the Collector thereafter gives due consideration to all these contentions and thereafter take a decision on the application filed by the respondent No.6 for grant of lease. Just because the petitioner was not a party or a respondent in WP(C) No. 1133/2020 would not preclude the petitioner from raising an objection before the District Collector particularly in the teeth of the order passed by this Court in the aforesaid WP(C) No. 1133/2020. Moreover, the objection, if any, raised by the petitioner would only help the Collector in taking a decision in accordance with law.

5. Accordingly the writ petition stands disposed of permitting the petitioner to approach the respondent No.3 or the authority before whom the application for grant of lease of the respondent No.6 is pending by way of submitting his objection if any. The authority in turn shall consider the same also and thereafter take a decision in accordance with law.

Sd/-
(P. Sam Koshy)
Judge

Ved