

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1647 of 2020

Prakash Bramhbhatt S/o Shri Hariram Bramhbhatt Aged About 69 Years
R/o Ward No. 10, Ramnagar Para, Fingeshwar, District Gariyaband
Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Revenue And Disaster Management, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Collector Gariyaband District Gariyaband Chhattisgarh.
3. Nayab Tahsildar Fingeshwar District Gariyaband Chhattisgarh.
4. Bharat Bangani S/o Bhagchand Bangani R/o Honda Show Room, Fingeshwar, Tahsil Rajim, District Gariyaband Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sidharth Rathore, Advocate.
For Respondent-State	:	Shri Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.08.2020

1. The grievance of the petitioner in the present writ petition seems to be the action on the part of the respondents in drawing a proceedings for reserving land Khasra No.2019 measuring 4305 Sq.Ft., situated in P.H. No.9 in village Fingeshwar, Tahsil Rajim, District Gariyaband in favour of the respondent No.4 by way of an allotment.
2. The counsel for the petitioner submits that he is in possession of the said property since long and there are other people also who are in possession of the said government land for ages. The respondents have now issued Annexure P/1 dated 24.06.2020 calling for objections in respect of the allotment of the said land in favour of the respondent No.4 which otherwise is bad in law. According to the petitioner, since he is in possession of the said land, he is also keen to have the said property allotted to him or reserved in his name.

3. Considering the nature of dispute that the petitioner has raised in the present writ petition, this court is of the opinion that ends of justice would meet if the petitioner is made to move appropriate application before the respondent No.2 firstly raising an objection against the allotment of the said land to the respondent No.4 and the petitioner should also move an application showing his interest in getting the said land allotted to him in accordance with the guidelines and the scheme framed by the State Govt.
4. Subject to the petitioner moving an application within a period of 10 days from today before the respondent No.2, it is expected that the respondent No.2 shall take a decision at the earliest in accordance with law. Till the objection/representation of the petitioner is decided, or his application which he intends to file against the said land is decided, the respondents No.2&3 may not finalize the allotment of land in favour of the respondent No.4. However, in case if the petitioner is not keen to avail the said benefit, the respondent No.2 would be free to pass an appropriate order in favour of the respondent No.4.
5. The order of this court would come into force only in the event if no final decision has been taken in favour of the respondent No.4 till now.
6. With the aforesaid observations, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder