

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1627 of 2020**

Shyamji Sahu S/o Nanku Ram Sahu, Aged About 50 Years, R/o Village
Manoharpur, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh
2. Collector Mungeli, District Mungeli, Chhattisgarh
3. Chief Executive Officer, Zila Panchayat Mungeli, District Mungeli Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat Lormi, District Mungeli Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Lavkush Kumar Sahu, Advocate
For State	:	Mr. Mateen Siddiqui, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.08.2020**

1. The grievance of the petitioner in the present writ petition is the decision of the respondents for construction of a Gouthan (cattle shed) in village Manoharpur, Tahsil Lormi, District Mungeli, CG.
2. The contention of the learned counsel for the petitioner is that the land on which Gouthan is being constructed is just around 2 acres land whereas as per the policy of the State Govt. Gouthan should have been constructed with a land of minimum 5 acres. Further contention

of the petitioner is that even otherwise the construction of Gouthan at the said place is not advisable for the reason that it is adjacent to a Govt. High School. The said land was being used by the students as a playground and if Gouthan is constructed, the students would be deprived of that playground that they were using earlier. Counsel for the petitioner submits that taking these aspects into consideration, the petitioner has already moved a representation Annexure P-5 to the respondent no.2, the District Collector who would take a decision in this regard.

3. The learned Additional Advocate General appearing for the State submits that if the petitioner has already approached the respondent no.2, it is expected that the respondent no.2 shall take a decision on the representation of the petitioner on its own merits at the earliest.
4. In the light of the submission made by the State counsel, the present writ petition stands disposed of directing the respondent no.2 to take a decision on the representation of the petitioner considering the guidelines of the State Govt. as also the feasibility of opening of Gouthan at the said place keeping in view the fact that it is adjacent to a Govt. High School and it does not have the requisite minimum area required under the guidelines of the State Govt.
5. Let the respondent no.2 take a decision in this regard within a period of 60 days from the date of receipt of copy of this order.
6. Meanwhile, purely as an interim measure, the respondents are directed to ensure that the petitioner gets a right to access to his property from the said land.
7. With the aforesaid direction the writ petition stands disposed of.

8. It is made clear that this Court has not expressed anything on the merits of the case. However, the respondent no.2 shall take into consideration the observations made by this Court as also the contentions raised by the petitioner in his representation.

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