

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1717 of 2020

1. Dhanraj Begani, S/o Late Shri Meghraj Begani, Aged About 76 Years,
2. Kusum Bai Begani, W/o Shri Dhanraj Begani, Aged About 74 Years,
R/o House No. 41, Samarpan, New Rajendra Nagar, Vardhman
Nagar, Amildih, Raipur, Civil And Revenue, District Raipur
(Chhattisgarh) 492006.....(Both are Trustees of Shri Meghraj
Begani Dharmik And Parmarthik Trust), District : Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Collector, Raipur, District : Raipur,
Chhattisgarh
2. Sub Divisional Officer Cum The Registrar, Public Trusts Raipur,
District : Raipur, Chhattisgarh
3. Shri Meghraj Begani Dharmik And Parmarthik Trust, Through Its
Secretary, Mahavir Jinalay, New Rajendra Nagar, Raipur
Chhattisgarh
4. Vichakshan Jain, Vidyapeeth Trust, Through Its President,
Kewalyadham Tirth, Kumhari, District : Durg, Chhattisgarh
5. Dharamraj Begani, S/o Late Shri Meghraj Begani, Aged About 60
Years, R/o Megh Market, Gandhi Chowk, City Kotwali, District :
Raipur, Chhattisgarh
6. Jesraj Begani, S/o Late Shri Meghraj Begani, Aged About 74 Years,
R/o Megh Market, Gandhi Chowk, City Kotwali, Raipur Chhattisgarh
7. Shivraj Begani, S/o Late Shri Meghraj Begani, Aged About 71 Years,
R/o Megh Market, Gandhi Chowk, City Kotwali, Raipur Chhattisgarh
8. Hansraj Begani, S/o Late Shri Meghraj Begani, Aged About 66 Years,
R/o Megh Market, Gandhi Chowk, City Kotwali, Raipur Chhattisgarh
9. Jyoti Begani, W/o Shri Hansraj Begani, Aged About 60 Years R/o
Megh Market, Gandhi Chowk, City Kotwali, Raipur Chhattisgarh

10. Shanti Lal Pincha, S/o Late Shri Meghraj Pincha, Aged About 66 Years, R/o 5th Floor, Marudhar Apartment, Budhapara, Raipur (Chhattisgarh)

(Respondent No. 6 to 10 are other Trustee of Shri Meghraj Begani Dharmik And Parmarthik Trust), District : Raipur, Chhattisgarh

-----Respondents

For Petitioners	:	Mr. Avinash Singh along with Ms. Anuradha Jain, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.08.2020

1. The grievance of the petitioners in the present writ petition is the inaction on the part of the Registrar Public Trust, District: Raipur, State of Chhattisgarh ie., the Respondent No. 2 on the complaint by filed the petitioners, who are the trustees of Shri Meghraj Begani Dharmik and Parmarthik Trust.
2. The contention of the counsel for the petitioners is that the trust originally had only seven trustees that is the two petitioners and the respondents no. 6 to 10. However, the Respondent No. 5 without following the guidelines and the provisions of the Public Trust Act has projected himself as one of the trustees of the said aforementioned trust and has also got a resolution passed for certain construction to be made on the land of the said public trust and the land is subsequently to be leased out to the Respondent No. 4. The grievance of the petitioners is that the petitioners have filed a detailed complaint along with the permission of the Respondent No. 2 but the Respondent No. 2 has not taken cognizance of those complaints and at the same time, the Respondent No. 4 and 5 have started the

construction work over the aforementioned property of the trust, which is perse, illegal and contrary to the Public Trust Act as also the by-laws governing the trust.

3. The learned State counsel at this juncture submits that the Respondent No. 2 shall take a decision on the complaint of the petitioners in-accordance-with law at the earliest.
4. Given the said submission by the learned State counsel, this Court is of the opinion that the writ petition itself can be disposed off, directing the Respondent No. 2 to take a decision on the complaints lodged by the petitioners pending before him at the earliest, preferably within a period of thirty days, if required, the petitioners be also given an opportunity of hearing and the Respondent No. 2 shall also consider the request of the petitioners; so far as the stalling of the illegal construction as alleged by the petitioners is concerned, till a final decision is taken.
5. With the aforesaid direction, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge