

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1890 of 2020

Mahendra Pratap Singh S/o Late Shri S. P. Gadhewal, Aged About 51 Years R/o Infront Of Gayatri Mandir, Durga Nagar, Dayalband Road, Lingiyadih, Bilaspur, District - Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. The State of Chhattisgarh Through The Principal Secretary, Revenue Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Collector Bilaspur, District Bilaspur Chhattisgarh.
3. The Additional Tehsildar, Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Rakesh Pandey, Advocate.
For Respondent-State	:	Shri Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31.08.2020

1. The challenge in the present writ petition is to the notice dated 22.07.2020 (Annexure P/1) passed by the respondent No.3.
2. The counsel for the petitioner submits that the impugned notice Annexure P/1 has been malafidely issued by the respondent No.3 with ulterior motive who is in connivance with certain land Mafias operating in that area. According to the petitioner, there were similar proceedings drawn in the year, 1987 but on due verification the same was dropped. Subsequently, in the year 1991 there was yet again proceedings drawn by the Naib Tehsildar which was challenged by the petitioner in a Civil Suit and the Civil Suit stood decreed in favour of the petitioner holding that initiation of the proceedings by the authorities under the provisions of Section 248 of the Land Revenue Code was bad in law and the said judgment and decree has attained finality.
3. According to the petitioner, inspite of there being decree in his favour, the respondent No.3 has yet again for the third time issued the same notice.

4. At this juncture, the counsel for the State submits that let the petitioner approach the respondent No.3 and submit all his documents that he has in his possession in respect of the aforesaid land and the respondent No.3 shall duly verify the same and then take an appropriate decision in accordance with law.
5. Given the said submissions by the State counsel, the writ petition stands disposed of at this juncture directing the petitioner to approach the respondent No.3 by producing all relevant documents and submissions that he has in his possession along with cogent proof including the decree that he has in his favour dated 10.03.1992. Subject to petitioner's furnishing all these informations to the respondent No.3, the respondent No.3 shall take into consideration all these facts and submissions and shall pass an appropriate order in accordance with law dealing with all the contentions that the petitioner has raised including that of there being a decree in his favour dated 10.03.1992. It is expected that the respondent No.3 shall take a decision purely in accordance with law without being under any third party influence. The respondent No.3 is also directed to ensure that decision so taken shall be promptly intimated to the petitioner so that the petitioner may avail appropriate remedies that he has on the said order, if situation so warrants.
6. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge