

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 2181 of 2020

Tribhuwan Prasad Mishra, S/o Shri Bhushan Prasad, Aged About 44 Years
R/o Vinayak Nagar, Ward No. 12, Fingeshwar, District - Gariyaband,
Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh, Through The Secretary, Department of Revenue And Disaster Management, Government of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
- 2.** Collector, Gariyaband, District - Gariyaband Chhattisgarh.
- 3.** Nayab Tahsildar, Fingeshwar, District - Gariyaband Chhattisgarh.

---Respondents

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

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.09.2020

- 1.** The challenge in the present writ petition is to the notice Annexure P/1 passed by the Naib Tehsildar, Fingeshwar, District Gariyaband. Vide the said notice, the respondents have called upon the petitioner to appear before the Naib Tehsildar on 10.07.2020 and the petitioner is required to deposit the required charges as per the guidelines framed by the State Govt. dated 11.09.2019 and 26.10.2019.
- 2.** The contention of the petitioner is that, the petitioner is already having Bhumiswami right over the said property as the property originally stood in the name of one Mohan Halwa in whose favour there was a certificate issued by the respondents. That, this Mohan Halwa in the year, 2007 transferred the said land in favour of the petitioner, and since then the petitioner is in possession of the said property and is also enjoying the fruits. Therefore, he cannot be issued a notice by the Naib Tehsildar calling for settlement of the property on payment of certain fees/charges.

3. Be that as it may, since it is an only notice which has been issued by the Naib Tehsildar, this court does not intend to keep this petition pending before this court rather ends of justice would meet if the petitioner is permitted to appear before the respondents No.2&3 in this regard and apprise them of the same in respect of his status and his right over the said property and also the non requirement of the settlement of the property in favour of the petitioner as offered by the respondent No.3. Upon petitioner's filing a suitable reply/representation to the respondents No.2&3 in this regard, the respondents No.2&3 are expected to take a decision in accordance with law at the earliest.
4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder