

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2171 of 2020**

1. Chandrakumar Son Of Late Ramji Patel, Aged About 58 Years, Resident Of Ward No. 12, Village - Rajim, Tahsil - Rajim, District - Gariyaband (Chhattisgarh)
 2. Premshankar @ Prahlad Patel Son Of Late Ramji Patel, Aged About 61 Years, Resident Of Ward No. 12, Village - Rajim, Tahsil - Rajim, District - Gariyaband (Chhattisgarh)
- Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur (Chhattisgarh)
2. The Collector, District - Gariyaband (Chhattisgarh)
3. The Sub-Divisional Officer (Revenue), Gariyaband, District - Gariyaband (Chhattisgarh)
4. The Tahsildar, Rajim, District - Gariyaband (Chhattisgarh)

---- Respondents

For Petitioners	:	Mr. Kamlesh Kumar Pandey, Advocate
For State	:	Mr. S. Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.10.2020**

1. The petitioners, in the present writ petition, seem to be aggrieved of by the notice/advertisement published in daily newspaper Annexure P-1 for allotment of Govt. vacant land which was encroached upon in the past.
2. According to the petitioners, their ancestors had been staying in the said property bearing Khasra No. 365/2 measuring 2318 square feet situated at village & Tahsil Rajim, district Gariyaband. According to the

petitioners, they have already moved before the revenue authority for settling the said property in their name in terms of the recent circular of the State Govt. dated 11.09.2019. Counsel for the petitioners submits that the petitioners are ready to pay whatever the charges that are there as per rules. He submits that in the advertisement, the property has been shown as a vacant land whereas it is not a vacant land and the petitioners residential house was constructed at the said site in the year 1960 and since then they are residing in the said property.

3. Given the said facts and circumstances of the case, this Court is of the opinion that the writ petition itself can be disposed of at this juncture permitting the petitioner to move a fresh application/representation to the respondents 2 & 3 for allotting the said land in their name in the light of the circular dated 11.09.2019. Subject to the petitioners moving an application/representation within 3 weeks from today, the respondents 2 & 3 in turn shall take a decision on the same in accordance with the rules and also taking into consideration the circular of the State Govt. dated 11.09.2019 at the earliest preferably within a period of 4 months from the date of receipt of application/representation of the petitioners. It is further ordered that till the application/representation of the petitioners is decided by the respondents 2 & 3, the advertisement Annexure P-1 so far as the land over which the petitioners are claiming allotment is concerned, shall not be acted upon.

4. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge