

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2484 OF 2020**

1. Human Kumar Umrey, S/o Late Shiv Kumar Umrey, aged about 65 years, R/o Village Semariya, Tahsil Dhamdha, PS Bori, District Durg (CG)
2. Madhuri Umrey, W/o Roop Singh Umrey, aged about 62 years, R/o Village Kasaridih, Tahsil Durg, District Durg (CG)
3. Subhash Umrey, S/o Late Shiv Kumar Umrey, aged about 62 years, R/o Village Semariya, Tahsil Dhamdha, PS Bori, District Durg (CG)
4. Vyas Kumar Umrey, S/o Late Shiv Kumar Umrey, aged about 60 years, R/o Village Semariya, Tahsil Dhamdha, PS Bori, District Durg (CG)
5. Vasudev Umrey, S/o Late Shiv Kumar Umrey, aged about 53 years, R/o Village Semariya, Tahsi Dhamdha, PS Bori, District Durg (CG)
6. Yashwant Umrey, S/o Late Vijay Kumar Umrey, aged about 21 years, R/o Village Semariya, Tahsil Dhamdha, PS Bori, District Durg (CG)
7. Ajay Umrey, S/o Late Shiv Kumar Umrey, aged about 48 years, R/o Village Semariya, Tahsil Dhamdha, PS Bori, District Durg (CG)

... Petitioner(s)**versus**

1. State of Chhattisgarh, through the Secretary, Department of Revenue, Mantralaya, Atal Nagar, District Raipur (CG)
2. Secretary, Gram Panchayat, Semariya (Litiya), Block Dhamdha, District Durg (CG)
3. Sub Divisional Officer, Dhamdha, District Durg (CG)
4. Collector, District Durg (CG)

... Respondent(s)

For Petitioner	:	Ms. Rajni Soren, Advocate.
For Respondent-State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****20.10.2020**

1. Grievance of the Petitioners in the present Writ Petition is to the resolutions dated 2.3.2020 and 19.3.2020 passed by Gram Panchayat Semariya (Litiya).
2. The dispute in the present Writ Petition is in respect of the property that situates in Khasra No. 179, P.H. No.19, at Village Semariya, District Durg. The Petitioners are in possession of the said property as claimed by them since ages. It is contended by the Petitioners that the property even prior to the abolition of the Malguzari System it was shown in the revenue records as

'Khaliyan' whereas subsequently the same has been entered as 'Grassland' (Ghas Bhoomi).

3. According to the Petitioners, Gram Panchayat, Semariya has already passed a resolution for necessary correction in the revenue records so far as the entry of the said land is concerned. However, a fresh resolution again has been passed by the Gram Panchayat Semariya for constructing bus-stand at the said property. The Petitioners, it seems, have already filed a detailed representation before Respondent No.4 in this regard, however, no further development has taken place.

4. Learned State Counsel meanwhile has contended that no right as such has been created in favour of the Petitioners. The request of the Petitioners for allotment of Khasra No.179 in lieu of the property at Khasra No.6 is already pending consideration.

5. Given the fact that the Petitioners have already approached the Respondent No.4, ends of justice would meet if this Writ Petition at this juncture is disposed of directing the Respondent No.4 to take appropriate decision on the said representation at the earliest. In addition, the Petitioners would also be at liberty to file a fresh representation supported with all the relevant documents before Respondent No.4 which also shall be duly considered by the Respondent No.4 before taking an appropriate decision.

6. Meanwhile, purely as an interim measure, the resolutions so passed i.e. dated 2.3.2020 and 19.3.2020, shall not be acted upon till a decision is taken by the Respondent No.4.

7. Writ Petition stands disposed of accordingly.

/sharad/

Sd/-
(P. Sam Koshy)
Judge