

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2457 OF 2020**

Dinesh Kumar Gupta, S/o Late Shri Shiv Kumar Gupta, A/a 64, R/o Sadar Bazar,
Sarafa Line, Main Road, Bilaspur, Tahsil & District Bilaspur (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through Collector, Office of Collector, Bilaspur, District Bilaspur (CG)
2. Tahsildar, Office of Tahsildar, Bilaspur, District Bilaspur (CG)
3. Collector Land Records, Bilaspur (CG)
4. Indra Mohan Tah, S/o Late Satyaprakash Tah, A/a 68 years, R/o Police Line, Bilaspur, Tahsil & District Bilaspur (CG)

... Respondent(s)

For Petitioner	:	Mr. Arvind Shrivastava, Advocate.
For Respondent-State	:	Mr. Raghvendra Verma, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

27.10.2020

1. The present Writ Petition has been filed with the following relief:-

“**10.1** issue an appropriate writ directing the respondent no.3 that it is also under obligation to comply with the direction given by this Hon'ble Court in order dated 09.12.2019 passed in WPC No. 4425/2019, titled as Dinesh Kumar Gupta Vs. State of Chhattisgarh & Ors. and the concerned departmental proceeding be not concluded without considering and deciding the objections raised by the petitioner before it and before the respondent no.2 while it was dealing with Revenue Case No. 275/37-12/2017-18, in the interest of justice.”

2. The plain perusal of the aforementioned relief clause itself would reveal that the present Writ Petition is in continuation to earlier round of litigation i.e. WPC No. 4425/2019. The said Writ Petition was disposed of on 9.12.2019 directing the Respondent No.2 to consider the objections, dated 22.11.2019 and 23.11.2019, before proceeding further with the demarcation proceeding.

3. Subsequently, the Respondents after disposal of the said writ petition are said to have constituted a committee for resolving the dispute and the Petitioner is said to have submitted his objections before the said committee also. However, it is contended on behalf of the petitioner that the committee

without considering the said objections has decided to proceed further with the matter, which has led to the filing of the present Writ Petition by the Petitioner.

4. The limited prayer that the Petitioner has made in this Writ Petition is for directing the Respondents to consider his objections first before proceeding further.

5. Once when this Court in WPC No. 4425/2019, which got disposed of on 9.12.2019, has directed the respondent authorities to consider the objections, that the Petitioner has filed, to be decided first before proceeding further with the demarcation proceeding, this Court does not see any good reason why the said order should not be honoured with by the Respondents before proceeding further with the demarcation case.

6. Given the said facts, the present Writ Petition is also disposed of directing the Respondent - State Government to ensure that the order dated 9.12.2019 passed by this Court in WPC No. 4425/2019 be duly complied in letter and spirit and the objections that the Petitioner has raised be also considered before deciding the matter on its own merits. It is expected that the respondent authorities would ensure that the orders of this Court should not be circumvent on extraneous consideration.

7. Writ Petition accordingly stands disposed of.

CC today.

/sharad/

Sd/-
(P. Sam Koshy)
Judge