

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2603 OF 2020**

Shiv Furniture Mart, through its Owner Shri Buchul Sharma, S/o Shri Balkishun Sharma, aged about 65 years, R/o Power House Road, District Korba (CG)

... Petitioner(s)

versus

1. State of Chhattisgarh, through the Secretary, Department of Revenue, Mahanadi Bhawan, Naya Raipur, Teh. & District Raipur (CG)
2. Competent Authority/Sub-Divisional-Officer (Revenue), District Korba (CG)
3. Estate Officer, Chhattisgarh State Power Generation Company Limited, Korba (East), District Korba (CG)

... Respondent(s)

For Petitioner	:	Mr. Anand Shukla, Advocate.
For Respondents/State	:	Mr. Siddharth Dubey, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

04.11.2020

1. Challenge in the present writ petition is to the notice dated 07.10.2020 issued by the Sub Divisional Officer (Revenue), Korba under the provisions of Chhattisgarh Lok Parishar (Bedakhli) Adhiniyam, 1974. The said notice is a show cause notice issued to the Petitioner.

2. It is pertinent to mention that the present is a second round of litigation. Petitioner earlier had filed a writ petition, i.e., WPC No. 2099/2020, which was disposed of on 23.09.2020, whereby the Respondent authorities were directed to decide the preliminary objection raised by the Petitioner and then to take appropriate steps. The present show cause notice seems to be an outcome of the said writ petition, as one of the objections raised therein was also in respect to the competence of the authorities in the issuance of the notice under the provisions of Section 248 of the Chhattisgarh Land Revenue Code.

3. This Court is of the opinion that the challenge leading to a show cause notice does not intend to entertain the writ petition at this juncture as it is by now well settled that the scope of judicial review in a show cause notice

proceedings is too minimal. The only strong ground which the Petitioner was harping upon was that he was not granted a reasonable time to give a reply to the show cause notice, whereas under the Chhattisgarh Lok Parishar (Bedakhli) Adhiniyam, 1974 minimum 10 days time should have been granted to the Petitioner. This Court is of the opinion that this again is a ground which the Petitioner can raise before the authorities concerned by moving an appropriate application for grant of a reasonable time. Only on this ground alone the writ petition should not be kept pending.

4. Accordingly, the present writ petition is disposed of directing the Petitioner to approach the Sub Divisional Officer (Revenue), Korba and to submit his reply immediately and the Respondent authorities are expected to take a decision in accordance with law on the said reply that the petitioner shall supply and shall proceed in accordance with law while taking an appropriate decision.

5. Writ Petition stands disposed of with the aforesaid direction.

Sd/-
(P. Sam Koshy)
Judge

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