

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3130 of 2020

Aman Ahmad Khan S/o Aslam Khan Aged About 59 Years R/o Navagadi,
Rajapara, Raigarh Tahsil And District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh
2. The Collector, Raigarh, District Raigarh Chhattisgarh
3. The Nazul Officer, Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner : Shri Hari Agrawal, Advocate

For Respondents/ State : Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.12.2020

Heard

1. Learned counsel for the petitioner would submit that the petitioner was in occupation of certain land for which he sought for settlement in his favour according to the policy of the State government and as per Annexure P-3, it was directed to be settled in favour of the petitioner and thereafter an amount of Rs.54,32,637/- was demanded from the petitioner. Thereafter, the petitioner has made an application to the State government to grant the land on lease as the payment of leasehold right would be much less and prays

that his application for grant of land on lease may be directed to be considered.

2. On the other hand, learned State counsel would submit that the petitioner admitted to avail the land according to the policy of the State government and as per the policy of the State the value of the land works out to be Rs.54,32,637/- therefore they cannot back out from their own promise.
3. Perusal of Annexure P-3 which is a communication to Nazul shows that the petitioner agreed to abide by the policy of the State and pay the amount but when the amount of Rs.54,32,637/- was demanded it appears that petitioner found it too high and therefore have filed the application to convert the land to lease hold right. This court in exercise of power under Article 226 of the Constitution of India would refrain to direct the State to apply a particular value of the land for holding, it is under the State policy when the policy has already been framed that on certain value the land would be settled in favour of the encroacher, then any direction otherwise than in policy would not be within the domain of the Court. Therefore, I am not inclined to issue any direction under Article 226 of the Constitution of India directing the State to consider the case of the petitioner to grant the land in lease hold right.
4. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge