

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4747 of 2019**

1. Ziyauddin S/o Late Shri Jahiruddin, Aged About 69 Years, Resident Of Jail Road, Baikunthpur, Police Station Baikunthpur, District Korea Chhattisgarh
2. Riyajuddin Son Of Late Shri Jahiruddin, Aged About 64 Years, Resident Of Jail Road, Baikunthpur, Police Station Baikunthpur, District Korea Chhattisgarh
3. Sayeed Ahmed Son Of Late Jahiruddin, Aged About 53 Years, Resident Of Jail Road, Baikunthpur, Police Station Baikunthpur, District Korea Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Commissioner, Sarguja Division, Ambikapur, District Ambikapur Chhattisgarh
3. Collector Korea, District Korea, Chhattisgarh
4. Nazul Officer, District Korea, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sunil Otwani, Advocate
For State	:	Mr. P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03.01.2020**

1. The present writ petition has been filed seeking for a direction to the respondent no.3 to consider the case of the petitioners so far as granting of lease in respect of the property that situates at plot no.164 in Baikunthpur, district Korea.
2. Counsel for the petitioners refers to a correspondence dated 22.10.2019 made by the respondent no.3 to the respondent no.2. Vide the said communication the Collector has clearly mentioned that since the claim of the petitioners is in respect of the area which is less than 7500 square feet, the decision has to be taken at the Collector level and not at the State Govt. level. Counsel for the petitioners also brought to the Court's notice an order of the State Govt. dated 31.10.2018 addressed to the respondent no.2 whereby also the claim of the petitioner was duly considered at the State Govt. level. According to the petitioners, both these documents evidently show that the claim of the petitioners is pending consideration before the concerned authorities and now in the light of the order of the Collector dated 22.10.2019 a decision has to be taken at the Collector level i.e. respondent no.3. Counsel for the petitioners prays for a limited prayer that the respondent no.3 be directed to take a decision on the claim of the petitioners so far as granting of lease is concerned.
3. To the limited relief sought for, counsel for the State does not oppose.
4. Accordingly, the present writ petition stands disposed of directing the respondent no.3 to consider and decide the claim of the petitioners in view of the communication dated 22.10.2019 made by the respondent no.3 to the respondent no.2 and also keeping in view the order of the State Govt. dated 31.10.2018 addressed to the respondent no.2 in

respect of the claim of the petitioners. The respondent no.3 shall also take note of the reports which have been submitted by other revenue authorities in this regard. It is expected that the respondent no.3 shall take a decision at the earliest preferably within a period of 3 months from the date of receipt of copy of this order.

5. Needless to mention that the petitioners would provide all relevant records & documents etc. if so required by the concerned authorities for deciding their claim.

**Sd/-
P. Sam Koshy
Judge**