

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 172 of 2015

- Kushal Bai W/o Widow of Chaindas Panika, Aged About 58 Years, R/o Village- Badadarha, P.S. and Tahsil- Dabhra Distt. Janjgir-Champa C.G., Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Distt. Janjgir-Champa (C.G.), Chhattisgarh
2. Tahsildar, Dabhra, Distt. Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh
3. Sub Divisional Officer, Dabhra, Distt. Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh

----Respondents

For Petitioner – Shri Manoj K. Sinha, Advocate.

For State/respondents – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2021

1. This petition has been brought seeking issuance of direction to respondent No.1 to consider and decide the application submitted by the petitioner for allotment of Kotwari land/Sewa Bhumi.
2. Chaindas, husband of the petitioner was Gram Kotwar of Village Badaharha, Tahsil Dabhra, which was within the District Bilaspur at the time when he was appointed in the year 1990 vide order dated 03-11-1990. Chaindas has expired on 09-03-2005. It is submitted that late Chaindas was allotted service land during the tenure he was working as Kotwar. Subsequent to his death the petitioner is in possession of that Kotwari Sewa Bhumi. The petitioner has filed an application on 03-05-2006 submitting that she is in possession of the Kotwari Sewa Bhumi, therefore, she may be granted lease of the same. That application has not been considered and decided so far. Hence it is prayed that direction be given to the respondents to consider on this application and decide the same earliest.

2. Learned counsel for the State/respondents opposes the submission and objects to the entitlement of the petitioner for grant of lease of the Kotwari Bhumi. It is submitted that the Sewa Bhumi that was allotted to Kotwar Chaindas during his lifetime, is not a property to be inherited by the petitioner. There is specific bar present under Section 183 of the Chhattisgarh Land Revenue Code, 1959. Hence, the petition may be dismissed.

4. Considered on the submissions. This petition is disposed off at motion stage. The respondents are directed to consider on the application filed by the petitioner dated 03-05-2006 and decide the same in accordance with entitlement of the petitioner. The petitioner is also at liberty to file a fresh representation making the prayer as she has prayed in her earlier application filed on 03-05-2006. The respondents are directed to consider on these applications and pass appropriate orders preferably within a period of four months from today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge