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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 310 of 2021**

1. Sanat Kumar Tomar S/o Bahadu Singh Tomar Aged About 30 Years R/o Village And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh
2. Diwakar Soni S/o Naththu Ram Soni Aged About 26 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh
3. Gautam Ganghel S/o Gulapi Ram Janghel Aged About 34 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh
4. Babi Singh Thakur S/o Jivan Singh Thakur Aged About 26 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh
5. Ranjeet Sen S/o Purshottam Singh Sen Aged About 32 Years R/o Village And Post Bundeli, Police Station And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Its Chief Secretary, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. The Collector Rajnandgaon District Rajnandgaon Chhattisgarh
3. The Chief Executive Officer District Panchayat Rajnandgaon District Rajnandgaon Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Chhuikhadan, District Rajnandgaon Chhattisgarh
5. The Sub Divisional Officer (Revenue) Gandai-Chhuikhadan, District Rajnandgaon Chhattisgarh
6. The Tahsildar Chhuikhadan, District Rajnandgaon Chhattisgarh
7. The Sarpanch Village And Post Bundeli, Tahsil And Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh
8. The Secretary Birbal Kaoushal, Village And Post Bundeli, Tahsil And Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Love Kumar Ramteke, Advocate
For State	:	Mr. Aditya Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.01.2021

1. Heard
2. The present writ petition has been filed by the petitioners against the order dated 22.12.2020 Annexure P/1 whereby the CEO Zila Panchayat Rajnandgaon has directed to hold an enquiry by following the Rules of Chhattisgarh Panchayat (Transfer of Immovable Property Rules 1994) [henceforth 'the Rules of 1994'] by canceling the earlier auction which was proposed on 20.11.2020 by Annexure P/2.
3. Learned counsel for the petitioners submits that a commercial complex has been constructed at Village Bundeli, the said construction has been carried out without obtaining the proper sanction from the State Government and the persons who were displaced by the construction of the said commercial complex were assured that they would be given the preference but it has not been done so, therefore order dated 22.12.2020 Annexure P/1 is required to be quashed.
4. Perusal of the Annexure P/1 shows that the CEO Zila Panchayat Rajnandgaon has canceled the earlier proposed auction on the ground that the Rules of 1994 were not followed, therefore accordingly it is directed that the CEO shall proceed for auction after following the procedure as prescribed in the Rules of 1994. Therefore, at the outset it appears that no illegality can be presumed to have been committed by such order dated

22.12.2020 Annexure P/1. Further it is contended that the sanction for construction has not been obtained that of the commercial complex is completely foreign to the submission made. Even otherwise the construction might have been taken considerable time of about more than 3-4 years and there is nothing on record to hold that no such sanction exists, the presumption and conduct of the petitioner would be against them with lapse of time. With respect to the agreement, since it has been stated that the persons who are carrying the business were assured that they would be given the preference but nothing is on record to appreciate those facts and even the locus of the petitioners are completely doubtful as to in what capacity they are before the Court. In such circumstances, no relief can be granted to the petitioners.

5. Thus the writ petition being devoid of merits, stands dismissed.

sd/-
(Goutam Bhaduri)
Judge