

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 296 of 2021

Mahamaya Machhuwa Sahkari Samiti Maryadit, Through Its Secretary, Mithilesh Kumar, S/o. Jhadu Ram, Aged About 49 Years, R/o. Village Pota, Janpad Panchayat Malkharoda, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Fisheries, Atal Nagar Naya Raipur Chhattisgarh.
2. Collector, District Janjgir Champa Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir Champa Chhattisgarh.
5. Assistant Director Fisheries, District Janjgir Champa Chhattisgarh.
6. Gram Panchayat Pota, Through Its Secretary, Gram Panchayat Pota, Janpad Panchayat, Malkharoda, District Janjgir Champa Chhattisgarh.
7. Sarpanch Gram Panchayat Pota, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Syed Majid Ali, Advocate
For State	:	Mr. Aditya Tiwari, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.01.2021

Heard

1. Learned counsel for the petitioner submits that the petitioner was the lease holder in the earlier point of time for four ponds which falls within the Gram Panchayat Pota, the respondent No.6. After the tenure was over, afresh advertisement was made by the Gram Panchayat Pota and the petitioner society contended that though they participated by filing an application to get the lease, the same was rejected against the policy of the State. It is further contended against such rejection of the resolution of the Gram Panchayat, the petitioner society preferred an application before the Chief Executive Officer, Janpad Panchayat Malkharoda and pursuant thereto an

enquiry was conducted and in enquiry it was found that the application of the petitioner was wrongly rejected and the grant was made to the private individual, which is *per se* illegal. It is further submitted that the said communication was communicated by the Janpad Panchayat Malkharoda to the Sarpanch Gram Panchayat Pota by Annexure P-9; however, nothing has been transpired till date. Therefore, under the circumstances, the petitioner has made an application to the Collector, Janjgir-Champa and Chief Executive Officer, Zila Panchayat Janjgir by Annexure P-10 on 04.12.2020 which may be directed to be decided as early as possible.

2. Without any observation to the right which has been created in favour of the parties by subsequent events, at this stage, since limited prayer has been made that the application of the petitioner Annexure P-10 which has been made to the Collector and Chief Executive Officer may be directed to be decided in terms of the enquiry report, it is observed that the Collector, Janjgir-Champa and Chief Executive Officer, Zila Panchayat Janjgir shall decide the application of the petitioner within a period of 60 days from the date of receipt of a copy of this order.
3. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Aks