

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1057 of 2021**

- Krishna Kumar Agrawal S/o Shri Sadharam Agrawal Aged About 44 Years Caste- Agrawal, R/o Ward No. 05, Naya Baradwar, Tehsil- Baradwar, District- Janjgir- Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.,
2. State Of Chhattisgarh Through Secretary Revenue And Disaster Management Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.,
3. Collector Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.,
4. Sub Divisional Officer (Revenue) Champa, District- Janjgir-Champa, Chhattisgarh. Champa, District- Janjgir-Champa, Chhattisgarh.,
5. Tehsildar Champa, District- Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Akash Pandey, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****24/02/2021**

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner has filed application on 14.12.2020 for diversion of the land bearing Khasra No. 453/1 & 453/2 admeasuring 0.51 acres situated at Village Risda Teh. Champa Distt. Janjgir Champa (C.G.). He submits that while the said

application filed by the petitioner by Annexure P/4 was pending, the petitioner has filed another application (Annexure P/1) under Section 172(4) of the Land Revenue Code 1959 (henceforth 'the Code 1959') which postulates that if the diversion has been made without there being any permission, then the SDO may impose the penalty according to the Sub-section 4 of Section 172 of the Code 1959. He further submits that once the application has been filed then the SDO is duty bound to decide the same and therefore the SDO Janjgir Champa may be directed to conclude the proceeding within a specified time.

3. After perusal of the documents, it appears that on 14.12.2020 (Annexure P/4) the petitioner has filed an application for diversion of the land bearing Khasra No. 453/1 and 453/2 ad-measuring 0.51 acre at Village Risda Teh. Champa Distt. Janjgir Champa (C.G.) and subsequently the godown was constructed and thereafter the application under Section 172(4) of the Code 1959 was made. Under these circumstances, when the applications have been preferred both under Sections 172(1) and 172(4) of the Code 1959, then it has to be concluded to the logical end. Consequently, the SDO is directed to decide the application of the petitioner for diversion within a period of 90 days from the date of receipt of copy of this order.

4. With the above direction/observation, this writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge