

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 111 of 2021**

- Sudhir Thakur S/o Shri Ashok Thakur, Aged About 36 Years
R/o. Dhanlaxmi Nagar, Bhanpuri, Tahsil And District Raipur
Chhattisgarh.

---- Appellant

(Not arrayed as Party/respondent in WPC No.1574/2021)

Versus

1. Chhattisgarh Housing Board Through Executive Engineer,
Division 1, Kabir Nagar, Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Its Secretary, Revenue
Department , Mahanadi Mantralaya , Naya Raipur , Atal
Nagar, District Raipur Chhattisgarh
3. Competent Authority Under The Urban Land (Ceiling And
Regulation) Act 1976, Collectorate , Raipur , District Raipur
Chhattisgarh.
4. Collector, Collectorate, Raipur, District Raipur Chhattisgarh.
5. Ghanshyam Sahu, S/o Phul Singh Sahu, Aged About 62
Years R/o 21, Verr Savarkar Nagar, Sondongari, Raipur,
District Raipur Chhattisgarh

---- Respondents

For Appellant :- Mr. Gary Mukhopadhyay, Advocate
For Respondent No.1:- Mr. Sanjay Patel, Advocate
For Respondent-State:- Mr. Chandresh Shrivastava, Dy.A.G.
For Respondent No.5:- Mr. Ravindra Sharma, Advocate

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag.CJ****Hon'ble Shri Parth Prateem Sahu, J.****Judgment On Board**

By

Prashant Kumar Mishra, Ag.CJ

07/06/2021

1. The appellant-Sudhir Thakur (not a party in the writ petition) challenges the order passed by learned Single Judge allowing the writ petition preferred by respondent No.1 to challenge the order dated 26.2.2018 passed by the competent authority, Raipur, under the Urban Land (Ceiling and Regulation) Act, 1976 (*for brevity "the Act, 1976"*).
2. By the said order dated 26.2.2018, the competent authority has directed to return the land bearing khasra No.658 ad-measuring 7290 sq. meter to Ghanshyam Sahu, respondent No.4 in the writ petition.
3. According to appellant, proceedings under the Act, 1976 were initiated against the original owner Phul Singh and notification under Section 10 (1) was published on 28.1.1984 and thereafter final notification under Section 10(3) was published on 17.5.1985. The entire land was handed over to the Housing Board immediately after depositing the compensation on 31.12.1988. In a subsequent proceedings, respondent 5/ Ghanshyam Sahu made an application under Section 3(2) of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 before the competent authority. Though the writ petitioner (respondent No.1 herein) was in possession of the land, an order was passed by the

competent authority on 26.2.2018 without giving any opportunity to the Housing Board, therefore, the writ petition was preferred to challenge the said order.

4. Having found that the Housing Board was not heard by the competent authority, before passing the order dated 26.2.2018, thereby violating the principles of natural justice, the learned Single Judge rightly set-aside the order dated 26.2.2018 and remitted back the matter to decide afresh after hearing the Housing Board as also the present appellant.
5. Learned counsel for the appellant and respondent No.5 have argued on the merits of the entire dispute, however, we are not appreciating the arguments for the simple reason that the learned Single Judge has remitted the matter to the competent authority to decide afresh after hearing the necessary parties including the appellant herein and respondent No.5.
6. Needless to say, all the parties would be at liberty to raise arguments, file documents and evidence in support of their plea, before the competent authority.
7. In view of the above, the present writ appeal stands disposed of.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Parth Prateem Sahu)
Judge