

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2270 of 2021

Chetan Rajput S/o Late Shri Rewachand Rajput Aged About 59 Years
Residing At 102, Mars Block, Royal Premium Apartment Scheme No. 74,
A.B. Road Indore (M.P.), Pin 452010. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue, Mahanadi Bhavan, Naya Raipur District Raipur Chhattisgarh.
2. Collector, Raigarh, District Raigarh Chhattisgarh.
3. Nazul Officer, Raigarh, Collectorate, Raigarh, District Raigarh., District : Raigarh, Chhattisgarh
4. Tahsildar Raigarh, District Raigarh Chhattisgarh.
5. Revenue Inspector (Nazul) Raigarh District Raigarh Chhattisgarh.
6. Vinod Kumar Ahuja Shopping Centra, Shop No. B1, Rajput Complex Chakradhar Nagar Chowk, Kaser Para, Raigarh Chhattisgarh. 496001

---- Respondents

For petitioner – Shri Gary Mukhopadhyay and Shri Ravindra Sharma, Advocates.

For State – Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/06/2021

Heard.

1. Instant petition has been filed against the notices issued to the different persons who are in possession of certain land of Nazul Sheet No.73, plot No./khasra No.10/1 and 17 respectively. The noticee are not before this Court. The petition is preferred by Chetan Rajput who claims that the noticee are his tenants.
2. Learned counsel submits that the said notice have been served to the tenant of the petitioner though the petitioner is the owner of the land in question which are nazul land. It is further submitted that one of the tenant respondent No.6 has applied for grant of lease in his favour though he is a tenant, therefore the entire proceeding are under challenge. Learned counsel refers to the sale deed Annexure P-2 and would submit that it is not in dispute that the petitioner is the

owner of entire nazul land, which was purchased by him long back, therefore notice in the nature thereof to the tenants are illegal.

3. Perusal of the bunch of notice filed as Annexure P-1 would show that it has been issued to the petitioner as also different shop owners. In such notice the date was fixed by the Nazul Officer as 3/02/2021 to file reply with a show cause as to why the encroachment made by occupants may not be removed. At this stage, in the opinion of the court the petitioner in order to protect his right may put forth his case before the Nazul Officer as it is stated that reply has been filed. The respondent No.6 who is said to be the tenant, since the proceedings as alleged have already been commenced to allot the land for respondent No.6 in such case the petitioner shall have the right to intervene and object to such grant by placing necessary documents of ownership and tenancy. Even otherwise in the application, filed by respondent No.6 Vinod Kumar Ahuja for grant of lease, it has been described that he is a tenant of the petitioner. It is observed that the Nazul Officer shall hear the petitioner and give him all opportunity of hearing so as to substantiate the fact the land on which the superstructure exist are without any encroachment and is owned by the petitioner. The averments made by the petitioner before this court are matter of evidence and submission cannot be accepted as conclusive proof. Even otherwise, even if the tenants are in occupation of nazul land whether have made any encroachment or not are required to be ascertained which too will require evidence. Under the circumstances it is directed that the petitioner shall be heard by the Nazul Officer and thereafter any order may be passed. Without any hearing no final order should also be passed in application for grant of lease filed on behalf of the respondent No.6.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

