

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No.294 of 2020**

Dhananjay Gain, S/o late Shrinath Gain, aged about 70 years, by
Caste Namoshudra, Occupation Agriculture, R/o Village Ajirma, Tahsil
Ambikapur, District Surguja (CG).

---- Appellant**Versus**

1. Bakuli Bala Chatterjee, W/o Usha Ranjan Chatterjee, aged about 84 years, R/o Sanjaynagar Bishrampur, District Surajpur (CG).
2. State of Chhattisgarh, through Collector, Ambikapur, District Surguja (CG).

---- Respondents

For Appellant	:	Mr. Dev Ashish Biswas , Advocate
For State/Resp. No.2	:	Mr. Arjit Tiwari, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice**Hon'ble Shri Justice N.K. Chandravanshi****Order on Board****By****Hon'ble Shri Prashant Kumar Mishra, J.****10.09.2021**

1. Learned counsel appearing for the appellant submits that W.P.C. No.943 of 2020 was preferred for a direction to the Respondent No.2-Collector, Surguja to consider the case of the petitioner and decide the case within a stipulated time. He would further submit that the appellant never called upon this Court to decide the issue on merits. Thus, according to him, the order passed by the learned Single Judge observing that the matter involved disputed questions of facts requiring oral and documentary evidence for appropriate adjudication of the claim, does not arise at all.

2. Upon hearing learned counsel for the parties, the submissions made by the learned counsel for the appellant appears to be correct. The only

prayer in the writ petition was for a direction to the Respondent No.2-Collector, Surguja to decide the case.

3. Annexure P-2 is an application filed by the petitioner before the Collector, Surajpur seeking an inquiry and cancelling the lease granted to the respondent No.1 and thereafter granting lease of the subject land to the petitioner. On this application, the revenue case was registered vide Annexure P-7 by Naib Tahsildar, Surajpur and eventually vide order dated 18.02.2019 Collector, Surajpur directed that because of the change in the geographical limits of District Surajpur, the concerned Gram Panchayat, Ajirma and the dependent villages have now been included in the territorial limits of District Surguja, therefore, the matter is transferred to the Court of Collector, Surguja. It appears, after the order of Collector, Surajpur, the matter has not been taken up for further proceedings by the Collector, Surguja.

4. Considering the entire facts and circumstances of the case, we direct the Respondent No.2-Collector, Surguja to decide the appellant's application, in accordance with law, within a period of six months after the submission of certified copy of this order by the appellant before the said Officer.

5. Accordingly, the writ appeal stands disposed of.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(N.K. Chandravanshi)
Judge

L/-