

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2408 of 2021

- Smt. Derhin Bai W/o Late Shri Chaitram Aged About 51 Years Caste Binjwar, R/o Village Bhaanpur, P.H. No. 55, Ra.Ni.Ma Khallari , Tehsil Baghbahara , District Mahasamund 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 Mahasamund, District Mahasamund Chhattisgarh.
4. Tehsildar Baghbahara District Mahasamund Chhattisgarh.
5. Sarva Adivasi Samaj (Area Baghbahara) Through Its President , Shri Phool Singh Dhruv, Tehsil Baghbahara, District Mahasamund Chhattisgarh.
6. Sub Divisional Officer (Revenue) Tehsil Baghbahara, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.06.2021

1. Heard
2. This is the second round of litigation. Earlier, the petitioner had moved an application under Section 237 read with Section 248 of the C.G. Land Revenue Code 1959 (hereinafter referred as 'the Code 1959') before the Collector Mahasamund with an allegation that the respondent No. 5 is raising construction over the government land. On the earlier occasion in WPC No. 1100/2021 on 25.02.2021, this Court had observed that immediately after filing of the application, since the petitioner has

approached to this Court, as such some breathing time was required to be given to the State and with such direction, WPC No. 1100/2021 was disposed off.

3. Learned counsel for the petitioner submits that as on today, since considerable time has been passed, nothing has transpired and the application filed by the petitioner under Section 237 read with Section 248 of the Code 1959 is still pending.
4. If the application of the like nature is filed then it is the duty of the authorities under the Code 1959 to decide the same and it cannot be shelved or kept in abeyance for long period since necessarily it requires adjudication. Under these circumstances, taking into fact that the considerable time has been passed, the Collector Mahasamund is directed to decide the case of the petitioner after hearing the necessary parties within a period of four months from the date of receipt of copy of this order.
5. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge