

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4511 of 2021

1. Smt. Pragya Kiran Udeshi Wd/o Late Shri Kiran Udeshi, Aged About 68 Years, R/o Vikas Nagar, Near Bus Stand Kondagaon, District Kondagaon Chhattisgarh
2. Smt. Rehana Khan W/o Shri B.A. Khan, Aged About 65 Years, R/o Vikas Nagar, Near Bus Stand Kondagaon, District Kondagaon Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue and Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Collector, Kondagaon, District Kondagaon Chhattisgarh
3. Sub Divisional Officer (Revenue), Kondagaon, District Kondagaon Chhattisgarh
4. Municipal Council, Through Chief Municipal Officer, Kondagaon, District Kondagaon Chhattisgarh
5. Suresh Lalwani S/o Ramlal Lalwani, Aged About 68 Years, R/o Tehsilpara Ward, Kondagaon, District Kondagaon Chhattisgarh

---- Respondents

For Petitioners – Shri Shrawan Agrawal, Advocate.

For State/Respondents 1 to 3 – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-11-2021

1. It is submitted by learned counsel for the petitioners that the petitioners are in possession of the land bearing Khasra No.663/1. The respondent No.5 was granted lease of the same land without giving any opportunity of hearing to the petitioners. The petitioners then filed a complaint dated 22-06-2020 stating that respondent No.5 by suppression of the facts and by conspiracy with the concerned has obtained the lease of the land in question. Respondent No.2 took cognizance on this complaint and directed respondent No.3 to make an inquiry on the complaint and submit report. Respondent No.3 has further directed Tahsildar to make inquiry on the complaint, but till date the inquiry is pending without any progress. Hence, it is prayed that a specific direction be issued to the respondents to take decision on the complaint made by the

petitioners.

2. The State counsel appearing for respondents No.1 to 3 opposes the submission and submits that the petitioners have remedy available to file appeal against the order granting lease in favour of respondent No.5 before the Commissioner. It is also submitted that the petition may be disposed off with direction to take decision on the complaint filed by the petitioners.

3. Considered on the submissions. As there is complaint of the petitioners that respondent No.5 has without any entitlement and resorting to unfair modes has obtained lease of the land in question, therefore, this allegation is required to be inquired and decided at the earliest. Hence, this petition is disposed off at motion stage. Respondents No.2 and 3 are directed to take up the case of the complaint made by the petitioners to make inquiry as per necessity and take decision on the same at the earliest preferably within a period of 90 days from today. The petitioners also have liberty to file appeal against the order granting lease in case if it is so advised by their counsel. With these observations, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge