

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4487 of 2021

- Ramesh Chainani S/o Late Shri Bhagwan Das Chainani Aged About 44 Years
R/o Ward No. 6, Dharamjaygarh, Thana And Tahsil Dharamjaygarh, Civil And
Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary , Revenue Department Mahanadi
Bhawan, Capital Complex, Mantralaya , Naya Raipur , District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Agriculture Directorate Block Ii, First And Second Floor, Indirawati
Bhawan , New Raipur , Atal Nagar, District Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
3. Collector Raigarh District Raigarh Chhattisgarh.
4. Sub Divisional Officer (Revenue) Dharamjaygarh, District Raigarh
Chhattisgarh.
5. Nazul Officer Dharamjaygarh, District Raigarh Chhattisgarh.
6. Tahsildar Dharamjaygarh, District Raigarh Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. S.C. Verma, A.G. along with Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11.11.2021

1. Heard.
2. It is submitted by the learned counsel for the petitioners that the petitioner is in
possession of 575 square meters of Nazul land in Dharamjaigarh since long.
The petitioner has filed an application for grant of lease of the land on his
possession to the Nazul Officer. The Nazul Officer has followed all the
procedures as per the law, publication of the notice has been made and the No
Objection Certificate has been called from all the concerned departments. The

Department of Agriculture has also by letter dated 23.01.2017 filed as Annexure P/5 granted NOC in the matter of grant of lease of the Nazul land to the petitioner. Subsequent to which, the premium has been calculated and regarding the same the notice has been served upon the petitioner but in the subsequent development by order in the order-sheet dated 02.02.2021, the Nazul Officer has mentioned that the earlier NOC granted by the Deputy Director Agriculture Raigarh dated 23.01.2017 cannot be taken into consideration as the SDO Agriculture Dharamjaigarh vide letter dated 19.11.2020 has made a request that the NOC granted should be considered as canceled. Therefore, the Nazul Officer has again proceeded to seek NOC from the Director Agricultural Department. It is further submitted that the new development, that has taken place, is against the interest of the petitioner whereas all the proceedings were completed earlier. The matter of grant of lease to the petitioner is pending since about 5 years, therefore, it is prayed that the appropriate direction be issued.

3. Learned State counsel opposes the submission and submits that although earlier the Deputy Director Agriculture Department has granted NOC but the same has been withdrawn later on, therefore the petitioner has no entitlement for grant of lease, however, the petition may be disposed off with appropriate direction.
4. Considered the submission. After perusing the documents present in the record and looking to the procedure taken up for calling the NOC from all the concerned seems to have been completed in one round and the same has been reopened by the the Nazul Officer i.e. the respondent No. 5 and also for the reason that the application of the petitioner is pending since about 5

years, I am inclined to dispose off this petition at motion stage. The respondent No. 5 is directed to consider on the pending application of the petitioner for grant of lease of the land concerned and take decision preferably within a period of 60 days from today.

5. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Vishakha