

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4470 of 2021

1. Yashwant Kumar Jaiswal, S/o Late Shri Shant Kumar Jaiswal, Aged About 41 Years R/o Village - Sarwani, Tahsil and Police Station Kharsia, District Raigarh, Civil and Revenue District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Collector, Raigarh, District Raigarh Chhattisgarh.
2. The Sub Divisional Officer, (Revenue), Kharsia, District Raigarh Chhattisgarh.
3. The Tahsildar, Kharsia, District-Raigarh, Chhattisgarh.
4. The Nayab Tahsildar, Kharsia, District-Raigarh, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Manoj Kumar Sinha, Advocate.
For State	:	Ms. Aakanksha Jain, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

10/11/2021

Heard.

1. This petition has been brought praying for issuance of direction.
2. The father of the petitioner is shown as recorded owner of the land in dispute. The other members of the joint family namely-Basant Kumar and others have filed a Civil Suit No.4-A/2010, in which, an order has been passed dated 24.11.2010 granting temporary injunction to Basant Kumar and others in which father of the petitioner was the defendant in that case, but the order granting temporary injunction very clearly mentions that there is no order of temporary injunction against the father of the petitioner. The father of the petitioner has expired. The

petitioner has cultivated the land in his possession and the crops are being harvested.

3. It is submitted that the name of the petitioner has not been registered in the Paddy Purchase Centre by respondent No.4 on the application filed by him. In the previous year also the name of the petitioner was not registered for the purchase of paddy at the Paddy Purchase Centre because of which he filed a petition WPC No.2734/2020, which was disposed off on 6.11.2020 directing the respondents to grant temporary registration to the petitioner. Hence, on this basis, it is prayed that appropriate order be passed in this case as well.
4. Learned State counsel representing all the respondents opposes the submissions and submits that the dispute is present between the petitioner and the other litigants which has not been resolved so far. Therefore, the prayer made by the petitioner cannot be allowed.
5. Considered on the submissions.
6. This Court had in WPC No.2734/2020 ordered in para-8 as follows:-

“In view of the same and also taking note of the order passed by this Court in the case of “Kanhaiya Lal Patel”(supra), it would be in the interest of the petitioner as well as in the larger interest of the public if respondent No.6 is directed to reconsider the case of the petitioner for grant of temporary registration subject to the outcome of the civil suit pending before the concerned Court. Based on the temporary registration, the petitioner also would be entitled for selling his paddy in accordance with the scheme framed by the State Government. The said temporary registration would be only as long as the injunction order of the Civil Court is in favor of the petitioner.”

On plain reading of the order mentioned hereinabove, it appears that the intention of the Court that the temporary registration should continue until the dispute present between the petitioner and others, is not resolved by the Civil Court, however, as it is the case that the registration at the Paddy Purchase Centre is being done on yearly

basis, therefore, any temporary registration which was done in favor of the petitioner for the previous year would not be continuing for this year, therefore, on this basis, the respondent No.4 is directed to consider on the application filed by the petitioner for registration for sale of the paddy and grant temporary registration for the current year for the society as prayed in the application.

7. With these above observations this petition is disposed off.

Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha