

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4508 of 2021

Dharam @ Suk Lal Banjare, S/o. Late Bisauha Ram Banjare, aged about 71 years, R/o. Village Sipkonah, Tehsil Patan District Durg Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through : the Secretary, Ministry of Agriculture, Mantralaya, Mahanadi Bhawan, Nawa Raipur District Raipur Chhattisgarh
2. The Collector Durg District Durg Chhattisgarh
3. The Naib Tehsildar Tehsil Patan District Durg Chhattisgarh
4. Seva Sahkari Samiti Through Its Manager Office at Bathena Tehsil Patan District Durg Chhattisgarh

---- Respondents

For Petitioner	: Mr. Uttam Pandey, Advocate
For Respondents-State	: Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/11/2021

1. It is submitted by the learned counsel for the petitioner that the petitioner is in possession of the land bearing Kh.No. 324, 327, 826, 827, 845 and 897, new Kh. No. 731, admeasuring area 12.56 hectares since about 6-7 decades. The State authorities have recorded this land as grass land in the revenue records. The petitioner has challenged the entry made by the State Government with respect to the land in his possession in Civil Suit no.120-A/2016, in which interim protection has been granted by order dated 06.02.2017. Civil suit was dismissed, subsequent to which,

in the first appeal F.A. No.184 of 2019 preferred, before the High Court, temporary injunction has been granted to the petitioner by order dated 06.02.2017, thus his possession over the disputed land is protected. The petitioner has raised crops on the land in his possession and further for the purpose of making sale, he approached the respondents No.3 and 4 for registration, so that, he would be eligible to sell the crops in paddy purchase center, but the same has not been decided and kept pending. It is submitted that if the petitioner is not registered by the respondents, then he will be unable to sell the paddy, which has been harvested this year and he will suffer irreparable loss. The petitioner has placed reliance on the order of this Court in case of **“Kanhaiya Lal Patel Vs. State of C.G. & Ors”** in W.P.(C) No.4334 of 2019 decided on **29.11.2019**.

2. It is also submitted that this petitioner was granted similar relief in the previous year by order dated 29.01.2020 in W.P.(C) No. 117 of 2020 and by order dated 29.10.2020 in W.P.(C) 2437 of 2020. Hence, similar relief be granted to the petitioner.
3. Learned State counsel opposes the submissions made by the learned counsel for the petitioner and submits that the petitioner himself has filed an application for registration at delayed stage. The last date for submission of application for registration was 31.10.2021 according to the documents present in the petition. Hence, the petitioner is not entitled for any relief.
4. Learned counsel for the petitioner submits that the last date for submissions of application was 31.10.2021 at first but the same was extended to 10.11.2021. The petitioner had filed an application for registration vide application dated 30.10.2021, which was well within time.

5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. The dispute regarding entitlement of the petitioner on the land in question is pending before the High Court in first appeal, but there is no doubt that he is in possession over the disputed land and he has cultivated on the same the crop of Kharif season, has been harvested or about to be harvested and the paddy so harvested has to be sold for which, there is necessity of registration as per rules and regulations of the respondents. Hence, for this reason, this petition is disposed off at motion stage. The respondents are directed to consider on the case of the petitioner and grant temporary registration only for the limited purpose that the paddy harvested by the petitioner on the land in his possession can be sold in the present season.
7. With these observations, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge