

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4541 of 2021

1. Uttam Lal Gupta S/o Late Ramkumar Gupta Aged About 37 Years R/o Village Bhanwarmal, Post Chandranagar P.S. Ramanujganj Tahsil Ramanujganj District Balrampur Ramanujganj Chhattisgarh
2. Shiv Kumar Gupta S/o Late Sampat Sao Aged About 55 Years R/o Village Bhanwarmal, Post Chandranagar, P.S. Ramanujganj, Tahsil Ramanujganj District Balrampur Ramanujganj Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh
2. The Secretary Department Of Food, Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
3. The Collector Balrampur District Balrampur District Balrampur Ramanujganj Chhattisgarh
4. Sub Divisional Officer (Revenue) Ramanujganj District Balrampur Ramanujganj Chhattisgarh
5. Tahsildar Ramanujganj District Balrampur Ramanujganj Chhattisgarh
6. District Marketing Officer Balrampur District Balrampur Ramanujganj Chhattisgarh
7. Gram Panchayat Bhanwarmal Through The Secretary Gram Panchayat Bhanwarmal District Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioners

– Mr. A.N. Pandey, Advocate.

For State

– Mr. Ashish Tiwari, Govt. Advocate.

S.B.- 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 petitioners that the petitioners are in possession of a portion of Khasra No.888 and 891 in Village Bhanwarmal since the year 1949. Respondent No.4 and 5 have proposed construction of Paddy Purchase Center on the land in possession of the petitioners. In similar cases of encroachment upon Government land, a number of persons have been granted lease by the State Government regarding which document Annexure-P/4 has been filed. The petitioners have also filed a similar application before respondent No.3 but the same is pending without any decision. Therefore, the petitioners may be protected until the application for grant of lease before respondent No.3 is decided and disposed off.
3. Learned State counsel opposes the submissions and submits that the land on which the petitioners are claiming possession is recorded as grassland in the revenue records, therefore, lease cannot be granted on the same. Hence, the petition may be disposed of.
4. After considering on the submissions, this petition is disposed of at the motion stage.
5. Respondent No.3 is directed to decide the application filed by the petitioners praying for grant of lease of the land in their possession within a time limit of 60 days. It is also ordered that until the period of 60 days or in case application of the petitioners is decided earlier, until that date any construction proposed on the land in possession of the petitioners shall remain stayed.
6. With these directions, the petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)

Judge