

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 4934 of 2021

1. Kamal Kumar Chandra S/o Late Shri Atul Chand Aged About 68 Years R/o Nawadi Chowk, Seepat, Tahsil And District Bilaspur Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Director, Directorate Of Mines And Mineral Department, Indrawati Bhawan, District Raipur Chhattisgarh
2. Collector District Bilaspur Through The Office Of The Collector, Mining Department, Bilaspur Chhattisgarh
3. Gram Panchayat Karma Tahsil And District Bilaspur Chhattisgarh
4. Seva Sahkari Samiti Of Gram Panchayat Karma Through Its Manager Village Karma, District Bilaspur Chhattisgarh

---Respondents

For Petitioner	:	Shri Harshwardhan Parganiha, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.12.2021

1. The grievance of the petitioner seems to be the action on the part of the respondents No.3&4 in constructing structures at the lease hold site in possession of the petitioner with mining right over the said piece of land at Khasra No.967 and 968 located at village Karma, Tehsil and District Bilaspur.
2. The contention of the petitioner is that the petitioner has a valid lease over the said piece of land referred to in the preceding paragraph and he has been carrying of mining activities i.e. extraction of lime stone from the said mines and the validity of the lease is till 14.03.2032. However, abruptly during this harvest season the respondents No.3&4 with malafide intention have passed a resolution and have also started construction for stocking and storing of the paddy to be purchased during this harvest season and have converted the lease area of the petitioner into a paddy procurement centre.

3. The counsel for the petitioner submits that he has already approached the local administration in respect of his grievances, however, there has been no proper response and that has led to the filing of the present writ petition.
4. The contention of the State counsel is that the nature of dispute shows that there is some factual disputes which needs to be looked into at the local administration level.
5. Given the submissions by the counsel for the State the writ petition stands disposed of permitting the petitioner to approach the respondent No.2 by way of a suitable representation in respect of his grievances within a period of seven days from the date of receipt of copy of this order and the respondent No.2 in turn in consultation with the respondents No.3&4 shall take an appropriate decision in accordance with rules, regulations and guidelines governing the field within an outer limit of 45 days from the date of receipt of representation.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge