

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5123 of 2021**

Sita Ram Sahu S/o Late Mithai Ram Sahu Aged About 56 Years R/o Ward No. 6 Kapadah, Post - Kishungarh, Police Station - Pandariya, District - Kabirdham Chhattisgarh

---- Petitioner**Versus**

1. Hindustan Petroleum Corporation Ltd Through Regional Manager Hindustan Petroleum Corporation Limited Raipur, Retail Regional Office 2nd Floor Madina Manjil, Medical College Road Raipur District - Raipur Chhattisgarh
2. Sub - Divisional Officer (Revenue) Pandariya, District - Kabirdham Chhattisgarh
3. Collector Kabirdham, District - Kabirdham Chhattisgarh
4. Manoj Kumar Sahu S/o Yashwant Sahu Aged About 26 Years Cast - Teli, R/o Village - Kapadah, Tahsil Pandariya District - Kabirdham Chhattisgarh

----Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****14/12/2021**

1. The petitioner seems to be aggrieved of the granting of No Objection Certificate by the District Collector, Kabirdham to the respondent No.4 for change of use of property of the petitioner at village Kapadah, District Kabirdham.
2. The only grievance of the petitioner seems to be the land belonging to the petitioner, which situates in front of the property of the respondent No.4 and therefore the petitioner has certain objections, so far as granting of NOC to the respondent No.4 for the purpose of opening of

a petrol pump.

3. Counsel for the petitioner submits that he had already raised an objection in this regard to the Sub-Divisional Officer concerned, which has not been decided and before deciding his objection the NOC has been issued in favour of the respondent No.4 by the District Collector for change of use of the land for commercial purpose.
4. During the course of the hearing, learned State counsel submits that the NOC granted by the District Collector is not for allotment of the dealership of petrol pump in favour of the respondent No.4, but the NOC was in fact for change of use of the land for commercial purpose including that of establishment of a petrol pump.
5. Learned State counsel further submits that as regards the contention of the petitioner that his objection before the Sub-Divisional Officer has not been decided is again an incorrect statement, the Sub-Divisional Officer has already taken a decision on the objection that the petitioner has filed as early as on 16.11.2021. The State counsel submits that the order dated 16.11.2021 is not under challenge and therefore also the writ petition in its given form will not be sustainable.
6. Learned counsel for the petitioner submits that as regards the order dated 16.11.2021 he has again raised an objection before the District Collector, which is still pending consideration before the District Collector.
7. Given the fact that the NOC given by the District Collector is subsequent to the objection of the petitioner decided by the Sub-Divisional Officer and the order of the Sub-Divisional Officer not being

under challenge in the present writ petition, nor the order of the Sub-Divisional Officer is not under challenge in the writ petition, the writ petition in its present form would not be maintainable.

8. As regards the demarcation of the respondent No.4's property is concerned is not one which can be agitated by the petitioner. So far as the petitioner is concerned, he would be entitled to get his property demarcated by an appropriate application before the concerned Revenue authorities.
9. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved