

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 5061 of 2021**

1. Shyamji Sahu S/o Shri Nanku Ram Sahu Aged About 50 Years R/o Village Manoharpur, Post Manoharpur, P.S. Lalpur, Tahsil Lormi, District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Mungeli, District Mungeli Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Mungeli, District Mungeli Chhattisgarh.
4. Chief Executive Officer, Janpad Panchayat, Lormi, District Mungeli Chhattisgarh.

----Respondents

For Petitioner : Mr. Bharat Lal Soni, Advocate.
 For State/Res. No.1 & 2 : Mr. Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

1. Present is a second round of litigation. The earlier round of litigation was WP(C) No. 1627 of 2020. The said writ petition was disposed of on 25.08.2020, whereby this Court, taking into consideration the pleadings which has come before the Court made the following observations:-

4. In the light of the submission made by the State counsel, the present writ petition stands disposed of directing the respondent no.2 to take a decision on the representation of the petitioner considering the guidelines of the State Govt. as also the feasibility of opening of Gouthan at the said place keeping in view the fact

that it is adjacent to a Govt. High School and it does not have the requisite minimum area required under the guidelines of the State Govt.

5. Let the respondent no.2 take a decision in this regard within a period of 60 days from the date of receipt of copy of this order.
6. Meanwhile, purely as an interim measure, the respondents are directed to ensure that the petitioner gets a right to access to his property from the said land.

2. Pursuant to the said disposal of the writ petition, the authorities concerned have finally passed an order on 28.09.2020 (Annexure P/4). In the said order, there is a specific mentioned that the Authorities have decided to provide 10 ft. road for parties to have access to their property. It appears that the petitioner's grievance is that there is no such road which has been provided except for reflecting it in the order Annexure P/4 and the petitioner are still struggling to have easy access to their property.
3. Counsel for the State however pointing out to the impugned order dated 28.09.2020 submits that taking into consideration the grievance of the petitioner, there is already a direction for providing 10 ft. road so that they have easy access to their property.
4. Given the said submission made by the counsel for the parties and also taking note of the impugned order Annexure P/4, the grievance of the petitioner would be met, if the order Annexure P/4 dated 28.09.2020 is implemented in its letter and spirit ensuring that proper road as provided in the order (Annexure P/4) measuring 10 ft, is provided to the petitioner.
5. Given the said fact, the present writ petition at this juncture stands disposed of directing the respondents No. 2 to 4 to take an appropriate

decision in ensuring that the order (Anenxure P/4) is implemented in its letter and spirit and ensuring that the petitioner is able to have the access of road as provided in the order (Annexure P/4), the writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**