CGHC010253522015 2026:CGHC:44027

NAFR

NIRMALA RAO

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 686 of 2015

1 - Manoj Tiwari S/o Late Shri Salik Ram Tiwari Aged About 43 Years R/o Civil Lines, Raipur Chhattisgarh., Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh S/o Through The Secretary, Department Of Housing And Environment, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh, Chhattisgarh

2 - Officer On Special Duty, Department Of Housing And Environment, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Joint Director, Nagar Tatha Gram Nivesh, Regional Office, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

4 - Anupam Grih Nirman Sahakari Samiti, (Deleted) As Per Hon'ble Court Dated 5/07/2023.

... Respondent(s)

For petitioner/s	:	Shri Malay Shrivastava, Advocate alongwith Ms. Sakshi Chhabra, Advocate.
For Respondent/ State	:	Shri Keshav Gupta, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

12.10.2026

1. Learned counsel appearing for the petitioner would submit that W.P.(C) No. 1279 of 2015, involving a similar question of law and fact, has already been disposed of.

2. Learned State counsel endorses the submissions made by learned counsel for the petitioner.

3. By way of the present petition, the petitioner has challenged the order dated 6.4.2011 passed by the Joint Director, Town and Country Planning Department, whereby the petitioner's application under Section 29 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (for short, *"the Act"*) seeking permission to develop the land owned by her was rejected. The petitioner has also challenged the order dated 31.8.2013 passed by the Appellate Authority (respondent No. 3) and the subsequent order dated 3.1.2015 passed by the Revisional Authority (respondent No.2), whereby her appeal and revision, respectively, were dismissed. The petitioner's application under Section 29 of the Act was rejected on the ground that the land in question had already been included in the approved development plan of Anupam Nagar, developed by Anupam Grih Nirman Cooperative Society.

4. Learned counsel appearing for the petitioner submits that the land in dispute was never owned by Anupam Grih Nirman Sahkari Samiti, Raipur. He further submits that, even if the development plan submitted by the said society included the land in dispute, such inclusion was illegal and could not constitute a valid ground for rejecting the

petitioner's application under Section 29 of the Act seeking permission to develop her land.

5. Learned counsel appearing for the State submits that the land in question was included in the development plan submitted by respondent No. 4, Anupam Grih Nirman Cooperative Society, for the development of Anupam Nagar and was reserved for educational purposes. Therefore, the petitioner's application under Section 29 of the Act was rightly rejected, and her appeal and revision were also rightly dismissed by the Appellate and Revisional Authorities, respectively.

6. I have heard learned counsel for the parties and perused the record.

7. A perusal of the reply filed by respondent No. 4 reveals that it has categorically stated as follows:

> *“It is specifically averred that this answering respondent institution does not have in the records maintained by it any such document or record from which it appears that this answering respondent institution has received or acquired, by any means, the land bearing Khasra No. 94/1, situated in Village Shankar Nagar, Raipur, C.G. In the absence of any such document, naturally, this institution does not have any title or interest in the land in dispute. Thus, if, on the basis of this Khasra number, the petitioner is seeking any relief, then, in light of this reply of the answering respondent, an appropriate order may be passed.”*

8. From the reply filed by respondent No. 4, it appears that the society has neither title to nor any interest in the land in dispute, in respect of which the petitioner had applied to the competent authority for permission to develop the land under Section 29 of the Act. A perusal of

the order dated 6.4.2011 (Annexure P/3), whereby the petitioner's application was rejected, reveals that it is a non-speaking and unreasoned order. The application was rejected solely on the ground that the land in question had been included in the development plan submitted by respondent No. 4 for the development of Anupam Nagar, without any further consideration of the petitioner's claim. Accordingly, the impugned orders dated 6.4.2011 (Annexure P/3), 31.8.2013 (Annexure P/2) and 3.1.2015 (Annexure P/1) are hereby set aside. The Joint Director is directed to reconsider the petitioner's application under Section 29 of the Act afresh, after affording an opportunity of hearing to all concerned parties. While reconsidering the application, the Joint Director shall take into account the fact that respondent No. 4, Anupam Grih Nirman Cooperative Society, has no title to the land in dispute. The application shall be decided within a period of two months from the date of this order.

9. With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-

(Rakesh Mohan Pandey)
Judge

Nimmi