

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4696 of 2019**

Ramprakash Pandey S/o Late B. R. Pandey, Aged About 45 Years, R/o
Village Jashpur, Tahsil And District Jashpur, Chhattisgarh

---- Petitioner**Versus**

1. The District Collector, Collectorate Jashpur, District Jashpur, Chhattisgarh
2. Chief Municipal Officer, Nagar Panchayat, Kunkuri, Tahsil Kunkuri, District Jashpur, Chhattisgarh
3. Sudbal Ram Yadav, President Nagar Panchayat Kunkuri, Tahsil Kunkuri, District Jashpur, Chhattisgarh
4. Bishop Mahagirjaghar, Kunkuri, Tahsil Kunkuri, District Jashpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. D. R. Minj with Mr. Surendra Kumar Dewangan, Advocates
For State	:	Mr. Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.12.2019**

1. The relief sought in the present writ petition is for an appropriate direction to respondent No.4 for not to carry out any construction on the Govt. land over Khasra No.219 situated at village & Tahsil Kunkuri, district Jashpur.
2. Counsel for the petitioner referred to an order passed by the Collector

in Appeal No. 29/A/89/2014-15 whereby the Collector has already passed an order against respondent no.4. According to the petitioner, this order of the Collector dated 18.11.2015 (Annexure P-4) has not been further questioned or challenged at any point of time and as such the same has attained finality. He submits that contrary to the said order, the respondents are again making certain constructions thereby the public road would get blocked. He further submits that he has already approached the respondent no.1 in this regard who has already seized the matter but no interim order or a final decision is being taken by the respondent no.1.

3. Given the said facts and circumstances of the case, particularly taking note of the fact that there is already an order passed by the Collector, District Jashpur on 18.11.2015 on the subject matter, it would not be proper for this Court to invoke the writ jurisdiction at this juncture.
4. This Court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondent no.1 to take a decision on the objection and application which the petitioner has moved in respect of the alleged illegal construction being carried out by respondent no.4. Let an appropriate early decision be taken by the respondent no.1, preferably within a period of 45 days from the date of receipt of copy of this order.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge