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HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 75 OF 2016**

M/s Vinay Industries, A firm having its office at House/Shop No.12, Sector-11, Zone-2, Purana Khursipar, Bhilai, Police Station- Khursipar, District Durg (C.G.), through its Proprietor- Vinay Kumar Agrawal, S/o Shri Sajjan Kumar Agrawal, aged about 43 years, R/o House/Shop No.12, Sector-11, Zone-2, Purana Khursipar Bhilai, Police Station- Khursipar, District Durg (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Commerce & Industries, Mantralaya, Mahanadi Bhawan, Raipur (C.G.)
2. The Director, Directorate of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur (C.G.)
3. The Additional Director, Directorate of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur (C.G.)
4. The Chief General Manager, District Trade & Industries Centre, Durg (C.G.)
5. The General Manager, District Trade & Industries Centre, Durg (C.G.)

... Respondents

For Petitioner : Mr. Rishi Rahul Soni, Advocate.

For Respondents/State : Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[31/01/2022]**

1. The present Writ Petition has been filed by Petitioner-Firm seeking appropriate directions to the Respondents for grant of allotment of land for industrial purposes at Heavy Industrial Area, Bhilai, District Durg.
2. Petitioner is said to have been initially offered a plot that situates behind M/s Punj Star Limited at Heavy Industrial Area, Bhilai. However, in spite of completion of formalities, the Petitioner was not allotted the said land. This has compelled the Petitioner to approach this Court for appropriate directions to the Respondents in this regard.
3. Respondents, in their Reply, have submitted that pending the claim of the Petitioner for allotment of land under consideration before the Respondents, the earlier Rules of allotment have been superseded by the new Rules which were introduced in the year 2015. That, as a

consequence of which, all the earlier pending Applications also stood superseded and any further consideration could have been done only in terms of the new Rules of 2015.

4. Today, when the matter was taken up for hearing, learned Counsel for Petitioner referred to the Correspondence dated 8.12.2020 issued by the Chief General Manager, District Trade & Industry Centre, Durg and also the Correspondence issued on 21.5.2021 by the Joint Director, Industries Directorate, Government of Chhattisgarh, which shows that the Authorities were still ready to consider the claim of the Petitioner but for the pendency of the present Writ Petition in respect of the same issue. The contents of those Correspondences reflected as if in the event if the present Writ Petition would have been withdrawn by the Petitioner, the claim of the Petitioner would be considered so far as the allotment of land is concerned.

5. Learned Counsel for Petitioner submits that in an identical case where there was yet another Writ Petition pending before this Court, i.e., WPC No.2222/2015 (Satna Minerals & Metals Pvt. Ltd. Vs. State of Chhattisgarh & Others), the Respondents have upon the Petitioner withdrawing the said Writ Petition considered and allotted them land under the Rules of 2013 itself and the rates fixed therein.

6. The aforesaid aspect, according to learned Deputy Government Advocate, is one which needs to be verified, particularly on the question of parity between the present Petitioner and the Petitioner in the said WPC No.2222/2015.

7. Be that as it may, taking into consideration the Correspondences issued by the State Government, dated 8.12.2020 (Annexure P-16) and dated 21.5.2021 (Annexure P-17), the present Writ Petition at this juncture is disposed of directing the Respondents No.2 to 5 to consider the claim of

the Petitioner on its own merits, in accordance with law, within an outer limit of four months from the date of receipt of copy of this Order.

8. As regards the issue of the rate at which allotment would be done, the specific plot the Petitioner would be allotted, the size of that plot, are all matters which are to be sorted out between the parties, which shall be considered by the Respondents on its own merits.

9. However, it is made clear that while taking decision, the Respondents shall also take note of any allotment of land if any given to M/s Satna Minerals & Metals Pvt. Ltd. (Petitioner in WPC No.2222/2015), if they were also similarly placed as that of the present Petitioner.

10. With the aforesaid direction/observation, the Writ Petition stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**

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