

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

WPC No. 202 of 2024

- Vishnu Mandal S./o Late Aaditya Mandal aged about 52 years, R/o Nehrunagar (Digma) Tah.- Ambikapur, P.S.-Ambikapur Dehat District- Surguja (C.G.).

-----petitioner

Versus

1. Monu Mandal S/o Sanyasi Charan R/o Nehrunagar (Digma) Tah.- Ambikapur P.S.- Ambikapur Dehat District- Surguja (C.G.)
2. State of Chhattisgarh Through The Collector Surguja, Ambikapur P.S.- Ambikapur District- Surguja (C.G.).
3. The Commissioner Surguja Division Ambikapur District- Surguja (C.G.).

-----Respondents.

17/01/2024	Mr. Bhupndra Singh, learned counsel appearing for the petitioner Mr. Vinay Pandey, learned counsel holding the brief of Mr. Sidhant Tiwari, learned counsel for the respondent No. 1. Mr. Praveen Das, learned Deputy Advocate General for the State/respondent Nos. 2 and 3. Heard on I. A. No. 1, which is an application for grant of stay. Learned counsel for the petitioner would submit that in the year 1999, a lease deed of the land in question was granted in favour of the petitioner later on the revenue authorities canceled it and an order has been passed by the Divisional Commissioner (Revenue), Surguja to issue the lease deed in favour of the respondent No. 1 and the petitioner was directed to vacate the said premises within a period of 30 days. He would also submit that on the land in question,

there is a house wherein the petitioner and his entire family are residing.

On the other hand, Mr. Pandey and Mr. Das would oppose the submission made by learned counsel for the petitioner.

Taking into consideration the fact that earlier a lease deed was issued in favour of the petitioner and now vide impugned order dated 30.11.2023, it has been canceled and order has been passed to issue lease deed in favour of the respondent No. 1 and a direction has been issued to vacate the said premises within 30 days, therefore, a strong case is made out for grant of stay, accordingly, there shall be stay of effect and operation of the order passed by the Divisional Commissioner, Surguja dated 30.11.2023 till the next date of hearing.

Mr. Pandey, learned counsel for the respondent No. 1 and Mr. Das, learned State counsel are granted three weeks' time to file their reply.

Post the matter in the **first week of March, 2024** for final hearing at motion hearing stage.

Sd/-

(Rakesh Mohan Pandey)
Judge