



2026:CGHC:15036

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2759 of 2021

1 - Kranti Kumar Ojha S/o Late Chhedilal Ojha Aged About 77 Years R/o Chantidih, Bilaspur Tahsil And District Bilaspur Chhattisgarh
... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2 - Commissioner Bilaspur Division, Bilaspur, District Bilaspur Chhattisgarh
3 - Collector Bilaspur, District Bilaspur Chhattisgarh
4 - Tehsildar (Nazul) Bilaspur, District Bilaspur Chhattisgarh
5 - Nazul Officer Bilaspur District Bilaspur Chhattisgarh
... Respondent(s)

(Cause Title is taken from CIS System)

For Petitioner	: Ms. Shivangi Agrawal, Advocate holding brief on behalf of Mr. Shashwat Mishra, Advocate
----------------	---

For State	: Ms. Akanksha Verma, Panel Lawyer
-----------	------------------------------------

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

01/04/2026

1. The petitioner has filed this writ petition seeking following reliefs:

"1] That, this Hon'ble Court may kindly be pleased to writ/writs, order/orders, direction/directions and the Collector Bilaspur may kindly be directed to comply the directions issued by the State government in its letter dated 11.12.2014 and immediately sent the records of the case of the petitioner bearing No. 65/A-20(1)/2012-13 and the state government may further be directed to take a final decision on the representation dated 24.11.2014 (Annex.P/16) within a stipulated period.

2] That, this Hon'ble Court may kindly be pleased to writ/writs, order/orders, direction/directions and the respondent No.1 may kindly be directed to determined the amount of premium as well as the annual rent as per the guidelines prevailing on the date of the application or the state government may kindly be directed to finalize the amount of premium and annual rent after the final decision on the representation dated 24.11.2014 and thereafter execute the permanent lease in favour of the petitioner.

3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case."

2. The facts of the case, as emerging from the record, are that the petitioner is engaged in the business of printing and publishing a weekly newspaper under the name and style of “धधकती ज्याला”, which has been in existence since the year 1970. For the purposes of running the press and its office, the petitioner came into possession of land bearing Plot No. 6/1, Sheet No. 34, admeasuring 1200 sq. ft., situated at Shanichari Bazar, Bilaspur. The said land has remained in the continuous possession of the petitioner since its initial allotment. It is stated that in the year 1982, the aforesaid plot was allotted to the petitioner by way of a temporary lease in Revenue Case No. 13A-20(2)/1981-82 for the period from 01.04.1982 to 31.03.1983 on payment of a premium of Rs. 480/-. Thereafter, the temporary lease was extended from time to time, firstly for the period 01.04.1983 to 31.03.1985 on payment of Rs. 3300/- and subsequently from 01.04.1985 to 31.03.1987 on payment of Rs. 5640/-. The petitioner continued to remain in possession under these successive temporary leases. Further, on 26.07.1991, the petitioner deposited an amount of Rs. 11,280/- towards lease rent for four years and duly intimated the concerned revenue authorities in Revenue Case No. 43/A-20(2)/1986-87. The petitioner also took steps for development of the land. In this regard, an application was submitted before the Commissioner, Municipal Corporation, Bilaspur on 07.05.1984 seeking permission to construct an office building along with the

requisite map. It is the case of the petitioner that, upon expiry of the stipulated period and in absence of any response from the authorities, the petitioner proceeded to raise temporary construction by treating the permission as deemed to have been granted. Subsequently, the petitioner applied for grant of permanent lease in respect of the said land. During the pendency of this application, the Nazul Officer issued a notice dated 11.10.1990 directing the petitioner to deposit a sum of Rs. 2,73,927/-. The petitioner submitted a reply objecting to the said demand on the ground that similarly situated persons had been granted allotment of Nazul land at much lower and reasonable rates, whereas the petitioner was being subjected to an excessive and arbitrary demand. However, instead of deciding the petitioner's application for permanent lease, the authorities initiated proceedings for dispossession. Aggrieved thereby, the petitioner approached the Court by filing Writ Petition No. 1573/1993. The said writ petition was disposed of by order dated 05.10.2012, wherein the Court, taking note of the stand of the State Government that the relevant records were not traceable, directed the petitioner to submit a fresh application for grant of permanent lease so as to resolve the grievance. In compliance with the aforesaid directions, the petitioner submitted a fresh application on 25.10.2012. The said application was thereafter processed on the basis of reports and recommendations submitted by the Revenue Inspector, Collector, and

Commissioner, along with necessary documents including panchnama, map, and khasra records. The competent authorities also granted No Objection Certificates in support of the petitioner's claim. Consequently, the Nazul Officer, in Revenue Case No. 65/A-20(1)/2012-13, recommended the case of the petitioner for grant of permanent lease in accordance with the prevailing Revenue Book Circular. After completion of the due process, the State Government passed an order dated 29.10.2014 allotting the subject land in favour of the petitioner on certain terms and conditions. However, it is significant that while passing the said order, neither the amount of premium nor the annual rent was determined, and the matter remained incomplete to that extent. The petitioner raised objections regarding the basis of determination of premium, contending that his case ought to have been considered on the basis of rates prevailing in the year 1992-93, as he had regularly paid lease amounts up to that period. It was also pointed out that earlier, a nominal premium of Rs. 6600/- had been indicated by the Nazul Officer. Despite this, the authorities appeared to consider applying the guidelines of the year 2014-15, which was disputed by the petitioner. Following the order dated 29.10.2014, the petitioner submitted a representation dated 24.11.2014 requesting consideration of his case under the old rates. Pursuant thereto, the Secretary of the Revenue Department, by letter dated 11.12.2014, directed the Collector, Bilaspur to forward the original records or certified copies of the

relevant revenue case. However, despite the lapse of more than six years, the said directions were not complied with, and the records were not transmitted to the State Government. The petitioner further submitted an application seeking consideration of his case under a subsequent circular dated 11.09.2019, but no communication or action was taken by the authorities in this regard. As a result of non-compliance with the directions of the State Government and failure to forward the necessary records, no final decision has been taken till date. Consequently, despite the allotment order having been passed in 2014, the petitioner has not been granted a formal permanent lease nor have the terms of premium and annual rent been finalized. In these circumstances, the grievance of the petitioner is that the concerned authorities, particularly the Collector, be directed to forward the complete records of Revenue Case No. 65/A-20(1)/2012-13 to the State Government, and that the State Government be directed to take a final decision on the petitioner's representation dated 24.11.2014. The petitioner further seeks appropriate determination of premium and annual rent, either in accordance with the guidelines of 2014-15 or as per the earlier rates of 1992-93, and thereafter issuance of a formal lease deed in accordance with law.

3. Learned counsel for the petitioner submits that the action and inaction on the part of the State Government and its authorities are wholly illegal, arbitrary, and discriminatory in nature. It is

contended that despite the petitioner fulfilling all requisite conditions and pursuing the matter diligently for decades, the respondents have failed to grant the benefit of permanent lease, thereby violating the principles of fairness and equality enshrined in law. The counsel further submits that several similarly situated persons have already been granted permanent lease in respect of Nazul lands, however, the petitioner has been singled out and deprived of such benefit without any justifiable reason, rendering the impugned conduct discriminatory. It is further argued that the conduct of the respondent authorities amounts to a clear abuse of power, inasmuch as the petitioner's case has been kept pending without any valid explanation. Learned counsel emphasizes that even after the State Government passed the order of allotment dated 29.10.2014, the matter has not been taken to its logical conclusion. Although the State Government had directed the Collector to forward the original records for finalization of the case, the said direction has not been complied with till date, and no final decision has been taken, which demonstrates gross administrative apathy. Learned counsel submits that the authorities have been sitting over the matter for an inordinate period, thereby causing grave prejudice to the petitioner. Due to the absence of a formal permanent lease, the petitioner is unable to effectively develop his business or avail benefits that are otherwise available to permanent lessees. It is contended that such prolonged inaction has adversely affected the petitioner's

right to carry on his lawful occupation. It is also contended that the petitioner has been in continuous possession of the subject land since the year 1982, and after a prolonged process, the State Government has already taken a final decision of allotment on 29.10.2014. However, despite the said decision, no consequential steps have been taken by the authorities to redress the grievance of the petitioner. The learned counsel submits that the failure on the part of the Collector to forward the requisite records has stalled the entire process, as the determination of premium and annual rent, which is essential for execution of the lease deed, has not yet been finalized. In these circumstances, learned counsel for the petitioner submits that the ends of justice would be met if this Court directs respondent Nos. 1 and 3 to take a final decision in the matter within a stipulated time frame, including determination of premium and annual rent, and thereafter proceed to grant permanent lease in favour of the petitioner in accordance with law.

4. Learned State counsel submits that the authorities are conscious of the grievance raised by the petitioner and that the representation dated 24.11.2014, submitted by the petitioner, is pending consideration before the competent authority. It is contended that there has been no deliberate inaction or mala fide intention on the part of the State authorities, and that the matter could not be finalized earlier due to administrative and procedural

requirements, including the need for verification of records and compliance with applicable rules and guidelines. Learned counsel further submits that the petitioner's representation shall be duly examined by the competent authority in accordance with law, applicable policies, and relevant guidelines governing the field.

5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the core grievance of the petitioner revolves around non-consideration of his representation dated 24.11.2014, which has been submitted pursuant to the order of allotment dated 29.10.2014 passed by the State Government.
6. It is not in dispute that the said order of allotment has already been passed in favour of the petitioner; however, the consequential steps, including determination of premium and annual rent and execution of the lease deed, have not yet been finalized. From the submissions advanced by learned State counsel, it is apparent that the representation submitted by the petitioner is still pending consideration before the competent authority and that the respondents are willing to consider and decide the same in accordance with law. In view of the said stand, this Court is of the opinion that the ends of justice would be met if a direction is issued to the competent authorities to consider and decide the pending representation of the petitioner within a time-bound manner.

7. Accordingly, without entering into the merits of the case, this writ petition is disposed of with a direction to the concerned respondent authorities to consider and decide the representation dated 24.11.2014 submitted by the petitioner, in the light of the order of allotment dated 29.10.2014, strictly in accordance with law, within a period of 60 days from the date of receipt of a certified copy of this order.
8. It is made clear that this Court has not expressed any opinion on the merits of the case, and the respondent authorities shall decide the matter independently on its own merits and strictly in accordance with law.
9. With the aforesaid directions, the writ petition stands disposed of.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna