

(2026) 03 CHH CK 0422
In the Chhattisgarh High Court
Case No : WPS No. 2588 Of 2019

Om Kishore Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 11-03-2026

Acts Referred:

Citation : (2026) 03 CHH CK 0422

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Ashwini Goverdhan, H.A.P.S. Bhatia, Ghanshyam Patel, Sakshi Singh Thakur, Rajendra Patel

Final Decision : Dismissed

Judgement

core.xml

Sanjay K. Agrawal, J

1. By way of this writ petition, the petitioner has sought an order of mandamus directing the respondent authorities for removal of respondent No. 4 from the post of Assistant Grade-III.

2. The facts of the case, in brief, are that land bearing Khasra No. 434/4 area 2.03 acres was acquired by the respondent No. 2 CSPGCL and it was registered in the name of Makhanlal Patel in the revenue records, who by his will dated 21/04/1997 bequeathed the said land in favour of his son Gaurilal Patel and since he, being the father of respondent No. 4, has nominated respondent No. 4 for employment against the acquisition of land by the CSPGCL, therefore, respondent No. 4 has been granted appointment in terms of the rehabilitation policy which he has already joined way back on 07/08/2012 and this writ petition has been preferred by the petitioner on 31/03/2019 i.e. with a delay of 7 years.

3. Learned counsel for the petitioner submits that the objection raised by the petitioner was not considered by the Collector, Korba while passing order dated

09/09/2011 holding thereby that the land in question belongs to father of respondent No. 4.

4. Learned counsel for the respondents submit that there is a delay of 7 years in filing the writ petition and no particular relief has been sought by the petitioner for setting aside the appointment of respondent No. 4 and only removal of respondent No. 4 has been sought, which is unsustainable and bad in law.

5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.

6. A careful perusal of the record would show that the land in question was acquired by the respondent No. 2 CSPGCL and employment in lieu of that was to be given under the rehabilitation policy. The land is said to have been registered in the name of Makhanlal Patel, who by his will dated 21/04/1997, bequeathed the said land in favour of his son Gaurilal Patel and Gaurilal Patel, being the father of respondent No. 4, has nominated respondent No. 4 for employment against the acquisition of land by the CSPGCL and thereafter, respondent No. 4 was granted appointment on 31/07/2012 and he had joined on the post of Assistant Grade – III on 07/08/2012. Thereafter, the present writ petition has been filed on 31/03/2019 i.e. with a delay of 7 years, as such, it suffers from delay and laches and even apart from that, the Collector, Korba, in his order dated 09/09/2011 has rightly concluded that respondent No. 4 is the person nominated for appointment by the landholder, as such, petitioner has no subsisting legal right to seek mandamus of removal of respondent No. 4 from service. I do not find any merit in this writ petition.

7. Accordingly, this writ petition stands dismissed, being devoid of merits.