



CGHC010026812023



2026:CGHC:34498

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 361 of 2023**

Lallu Singh S/o Late Rambharos Singh Aged About 50 Years R/o Village
Jabar, Tahsil Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

... Petitioner(s)**Versus**

1 - State Of Chhattisgarh Through The Secretary, Revenue Department,
Mantralaya, Mahanadi Bhawan Naya Raipur, Atal Nagar, P.O. And P.S.
Naya Raipur, District Raipur Chattisgarh.

2 - The Board Of Revenue, Through Its Member, Chhattisgarh, Bilaspur
District -Bilaspur C.G.

3 - The Commissioner, Surguja Division, Ambikapur, District Surguja
Chhattisgarh.

4 - The Collector, Balrampur, District Balrampur-Ramanujganj
Chhattisgarh.

5 - The Tahsildar, Balrampur, District Balrampur-Ramanujganj
Chhattisgarh.

6 - Rajendra S/o Poko R/o Village Jabar, Tahsil Balrampur, District
Balrampur-Ramanujganj Chhattisgarh.

... Respondent(s)

For Petitioner(s)	: Mr. V.K. Pandey, Advocate
For State	: Mr. Anway Tiwari, P.L.

For Respondent No. 6	: Ms. Anshika Singh, Advocate on behalf of Mr. Pushkar Sinha, Advocate
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HON'BLE SHRI JUSTICE AMITENDRA KISHORE PRASAD**ORDER ON BOARD****06.08.2026**

1. Learned counsel for the petitioner challenges the order dated 03.11.2022 primarily on the ground that the Commissioner had passed the impugned order in exercise of revisional jurisdiction and not appellate jurisdiction. It is submitted that, in such circumstances, the Board of Revenue ought not to have dismissed the petition as not maintainable and should have examined the matter on its merits. It is further submitted that the petitioner has been in possession of the land in question by virtue of a Patta granted in the year 1991, and this material aspect ought to have been duly considered by the Board of Revenue.
2. Learned State counsel submits that the order passed by the Board of Revenue is legal and proper and does not warrant any interference by this Court.

3. Learned counsel appearing for respondent No. 6 also supports the impugned order and submits that the Board of Revenue has rightly passed the same in accordance with law.
4. Having heard learned counsel for the parties, perused the record, and in particular the provisions contained in Part IV, Clause 3 of the relevant provisions, as relied upon by the Board of Revenue, this Court finds that there is no ambiguity in the said provision. It clearly provides that where an order relating to the grant or cancellation of a Patta has been passed by the Commissioner, the statutory remedy available to the aggrieved person is to prefer a revision before the State Government. Therefore, irrespective of whether the Commissioner exercised appellate or revisional jurisdiction, the remedy against such order lies before the revisional authority of the State Government.
5. In view of the aforesaid, the petitioner is relegated to avail the alternative statutory remedy by filing an appropriate revision before the State Government.
6. It is noticed that the present writ petition has remained pending since 18.01.2023 and that this Court, by order dated 23.01.2023, directed the parties to maintain status quo, considering the petitioner's submission that he has been in possession of the land since 1991 by virtue of the Patta. Learned counsel for the petitioner submits that the petitioner continues to remain in possession of the land pursuant to the aforesaid interim order.

7. Accordingly, the petitioner is granted liberty to file the revision before the competent revisional authority within 15 days from the date of receipt of a copy of this order. The petitioner shall also be at liberty to file an application for interim relief/stay along with the revision, placing on record the fact of his possession over the land as well as the interim order dated 23.01.2023 passed by this Court.
8. Upon filing of the revision along with the application for interim relief, the revisional authority shall consider and decide the application for stay by a reasoned order, in accordance with law, preferably within 60 days from the date of its filing. Till the application for interim relief is decided, or for a period of 60 days, whichever is earlier, the interim order of status quo granted by this Court on 23.01.2023 shall continue to remain in force.
9. With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
JUDGE