



CGHC010399602022



2026:CGHC:38362

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 5470 of 2022**

Ganpat Sahu S/o Nandu Sahu Aged About 52 Years R/o Village Pendri,
Tahsil Bhatapara, District : Balodabazar-Bhathapara, Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Revenue Department
Mantralaya, Mahanadi Bhawan Atal Nagar, Naya Raipur, District : Raipur,
Chhattisgarh

2 - Board Of Revenue Chhattisgarh, Bilaspur, District : Bilaspur,
Chhattisgarh.

3 - Additional Commissioner Raipur , Division Raipur, District : Raipur,
Chhattisgarh

4 - Sub Divisional Officer (Revenue) Bhatapara, District : Balodabazar-
Bhathapara, Chhattisgarh

5 - Tahsildar Bhatapara, District : Balodabazar-Bhathapara, Chhattisgarh

6 - Sukhnandan S/o Faguva Satnami Aged About 57 Years R/o Village
Pendri, Tahsil Bhatapara, District Baloda Bazar- Bhatapara, Chhattisgarh

7 - Arjun S/o Sukhnandan Aged About 27 Years R/o Village Pendri, Tahsil
Bhatapara, District Baloda Bazar- Bhatapara, Chhattisgarh.

... Respondents

For the Petitioner : Mr. Pushpendra Kumar Patel, Advocate.

For the State : Mr. Anway Tiwari, PL.

Hon'ble Mr. Amitendra Kishore Prasad, Judge**Order on Board****31.08.2026**

1. Petitioner has filed this petition under Article 226 of the Constitution of India with following reliefs:

“10. Relief Sought:

10.1. That, this Hon'ble Court may kindly call for the entire record in relates to the case of the petitioner.

10.2. That, this Hon'ble Court, may kindly be pleased to issued a writ / or writs / order / or orders / to quashed the order dated 14.09.2022, (Annexure P/1), issued by the respondent no. 2, and further be remitted back the matter for consideration of the case on merits, in the interest of justice

10.3 That, any other relief, this Hon'ble Court, deem fit and proper may also kindly be granted to the petitioner, in the interest of justice.

10.4. An affidavit in support of this petition is filed herewith.”

2. By way of this writ petition, the petitioner has called in question the impugned order dated 14.09.2022 passed by respondent No. 2/Board of Revenue, whereby the revision petition preferred by the petitioner was dismissed solely on the ground of limitation.
3. Learned counsel appearing for the petitioner submits that against the order dated 28.12.2017 passed by respondent No.3/Additional Commissioner, the petitioner preferred a revision petition under Section 50 of the Chhattisgarh Land Revenue Code,1959 before respondent No.2/Board of Revenue alongwith an application under Section 5 of the Limitation Act seeking condonation of delay of

approximately two years in filing the revision petition. However, respondent No.2 dismissed the revision petition solely on the ground of limitation, which is illegal, erroneous and contrary to law. Learned Counsel further submits that the application under Section 5 of the Limitation Act was not properly drafted and the reasons explaining the delay were not adequately stated therein, resulting in rejection/dismissal of the said application. Learned Counsel submits that in the interest of justice, the impugned order (Annexure P/1) may be set-aside and the matter be remanded to the concerned Board of Revenue for reconsideration, subject to the petitioner being permitted to file a properly constituted and duly supported fresh application under Section 5 of the Limitation Act.

4. Learned State Counsel opposing the submission of counsel for the petitioner and would submit that impugned order dated 14.09.2022 passed by respondent No.2/Board of Revenue does not suffer from any illegality, infirmity or jurisdictional error warranting interference by this Court in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India.
5. Heard learned counsel for the parties and perused the writ petition as well as the impugned order (Annexure P/1).
6. Having regard to the facts and circumstances of the case and considering the submissions advanced on behalf of the parties, the impugned order dated 14.09.2022 (Annexure P/1) is hereby set aside. The petitioner is directed to file an appropriate application under Section 5 of the Limitation Act duly setting out reasonable

and sufficient grounds explaining the delay occurred in filing the revision petition before the concerned Board of Revenue within a period of 15 days from the date of receipt of a copy of this order. Upon receipt of such application, the Board of Revenue shall consider the same and pass an appropriate order in accordance with law on its own merits.

7. It is made clear that this Court has not expressed any opinion on the question of limitation. The impugned order (Annexure P/1) is being set-aside solely for the reason that as submitted by learned counsel for the petitioner, the application under Section 5 of the Limitation Act was not properly drafted.
8. With the aforesaid observation/direction, the Writ Petition stand disposed of.

CC as per rules.

Sd/-
(Amitendra Kishore Prasad)
Judge

J.