

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1138 of 2015

Rajesh Kumar Uraon, Aged About 36 years, S/O Shri Boas, Caste- Uraon, R/O Village Gorakhmuda, Tahsil Gharghora, Civil & Revenue District Raigarh Chhattisgarh

---- Petitioner

Versus

1. Susheela Kalanga, aged about 36 years, daughter of Bodhram, caste- Kalanga, resident of village Barpali, Tah. Tamnar, Raigarh, Civil and Revenue Distt. Raigarh (CG)
2. The Director, Nav Durga Fules Ltd. Saraipali, P.S. Punjeepathra, Raigarh Civil And Revenue District Raigarh Chhattisgarh
3. Tahsildar , Tamnar District Raigarh Chhattisgarh
4. The Sub Divisional Officer (Revenue) Gharghora, District Raigarh Chhattisgarh
5. The Additional Collector Raigarh, District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sanjay S. Agrawal, Advocate.
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer, on advance copy.

Order On Board

03/07/2015

Heard on admission.

The petitioner has approached this Court by filing this petition in a peculiar circumstance where his application for stay against dispossession is pending before the Appellate Authority, but the hearing of the application of stay is fixed on 6.7.2015 and in the meantime, the Tahsildar, in execution of order appealed against, has issued direction for handing over of possession.

Learned counsel for the petitioner submitted that against an order of reversion of land passed by the SDO (R) in exercise of powers under Section 170-B of the Land Revenue Code, the petitioner has preferred appeal before the Collector. An application for stay has also been filed along with the appeal. The stay application is fixed for hearing

on 6.7.2015 but even before that, the Tahsildar has passed an order on 23.6.2015 for handing over possession to those in whose favour the order, appealed against, has been passed. Learned counsel for the petitioner submits that though a prayer was made for pre-ponement of hearing of stay application, the Appellate Authority has rejected the same. He submits that if before hearing stay application, the petitioner is dispossessed, the very object and purpose of filing stay application would be frustrated and he would suffer irreparable injury . He submits that the petitioner has substantial grounds raised in the appeal.

Considering the aforesaid submissions, in the opinion of this Court, at this stage, a limited protection can be made available to the petitioner till his application for stay comes up for hearing on 6th July, 2015 before the Appellate Authority.

It is directed that till 6th July, 2015, the petitioner shall not be dispossessed.

This order shall remain effective only till **6th July, 2015**.

With the direction as above, the petition is finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)

JUDGE