NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 596 of 2015

Sahal Sai S/o Late Shri Ratna Aged About 68 years Caste Gond, R/o Village Kuberpur, Tahsil Ambikapur, Dist. Sarguja (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station, Naya Raipur, District Raipur (Chhattisgarh).

2. Board Of Revenue, Chhattisgarh, Through Its President, Bilaspur (Chhattisgarh)

3. Commissioner, Sarguja Division, Ambikapur (Sarguja) (Chhattisgarh).

4. Collector, Sarguja, Ambikapur (Sarguja) (Chhattisgarh).

5. Shankuntala Ekka D/o Jeetu Ram Caste Uraon, R/o Village Nawapara, Tahsil & Dist. Ambikapur (Sarguja) (Chhattisgarh)

---- Respondents

Shri Sanjay Patel, counsel for the petitioner/s.
Shri S.P.Kale, Dy.A.G. for the State / respondents 1, 3 and 4.

Order On Board

30/07/2015

1. Learned counsel for the petitioner submits that the Board of Revenue has dismissed petitioner's appeal without considering specific grounds raised in the appeal that even after sale of the land held by the petitioner under lease, the petitioner would be having other lands with him. He submits that this fact was specifically stated in the appeal. He also submits that the Board of Revenue has not affirmed the order of the Collector on the ground on which the Collector rejected the application.

2. Learned counsel for the State submits that as the Collector clearly stated that lease was granted to the petitioner by an incompetent authority, no relief could be granted.

3. Shri Jitendra Shrivastava, counsel appears on behalf of respondent No.5 and supports the case of the petitioner.

4. On the face of it, it appears that the Board of Revenue, while dismissing the appeal has stated that upon sale of land, appellant would be left landless. Specific averments made in the memo of appeal to the effect that the appellant possesses other lands, has not been taken into consideration. Therefore, the order cannot be upheld and set aside. The case is remanded back to the Board of Revenue to examine the grounds of appeal particularly with reference to assertion that even after sale, the petitioner would be having other lands in his hand.

5. The petition is accordingly allowed.

Sd/-

Manindra Mohan Shrivastava
Judge

Deepti