NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 869 of 2015

1. Rameshar Sahu S/o Late Shri Dukhuram Sahu, Aged About 73 Years Occupation Agriculturist, R/o Village Mama-Bhancha, P. S. Bhimkhoj, Tahsil Bagbahra, Civil & Revenue Distt. Mahasamund (Chhattisgarh)........................Applicant

---- Petitioner

Versus

1. Yatiram S/o Sukhram Sahu, Aged About 60 Years Occupation Agriculturist, R/o Village Adharidih, Post Birkoni, P. S. Mahasamund, Distt. Mahasamund (Chhattisgarh)........................Non Applicant

2. State Of Chhattisgarh Through The Collector Mahasamund, Distt. Mahasamund (Chhattisgarh)........................Non Applicant

---- Respondents

For Petitioner. : Shri Sunil Sahu, Advocate.
For Respondent/State. : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/10/2015

Heard.

1. Learned counsel for the petitioner submits that in a writ petition arising out of an order dismissing appeal only on the ground of limitation issued in second appeal, there was no occasion for the Board of Revenue to go into the merits of the case while remanding the case holding that the appeal is required to be heard on merits.

2. After going through the order of Board of Revenue, it is found that while holding that appeal shall be treated as within limitation, thereby requiring decision on merits upon remand, the Board of Revenue has also examined the merits of the case. In the considered opinion of this Court, those observations are only for the limited purpose of considering the seriousness of the issue involved rather

than decision of the merits of appeal. Obliviously, there was no decision on merits in the appeal by Subordinate Appellate Authority. Therefore, the Board of Revenue also had no occasion to decide the matter on merits. Whatever observations made by Board of Revenue are only confined to see whether the matter requires decision on merits by the lower appellate authority. All the pending issues shall be considered without being influenced by any of the observations given by the Board of Revenue in the impugned order. Moreover, Board of Revenue directed the parties to appear before the Tahsildar, and in turn, the Tahsildar shall direct the parties to appear before the SDO who will decide the grievance of the parties on its own merits.

3. With the aforesaid observations, this petition stands disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

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