

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 46 of 2016

- Ramesh S/o Makhan Lal Bariha, Aged About 30 Years Caste : Binjhwar, R/o Village : Khapridih, Patwari Halka No. 20, Revenue Circle : Khamharpali, Tahsil : Saraipali, District : Mahasamund (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Revenue Department, Mantralaya, New Raipur, Police Station : Rakhi, District : Raipur (Chhattisgarh)
2. The Collector, Mahasamund, District - Mahasamund (C. G.)
3. The Sub Divisional Officer, Saraipali, District - Mahasamund (C. G.)
4. Ashok S/o Shiv Kumar Agrawal, Aged About 40 Years)..... (Non-Applicant)
5. Mukesh S/o Shiv Kumar Agrawal, Aged About 35 Years (Non-Applicant)

Both are R/o Village : Udiyapara Saraipali, Patwari Halka No.14, Circle and Tahsil Saraipali, District Mahamasund (C.G.)

6. Ishwar S/o Kumarra, Aged About 40 Years Caste : Gond, R/o Kolihadevri, Patwari Halka No. 15/45, Khamharpali, Tahsil : Saraipali, District : Mahasamund (Chhattisgarh)

---- Respondent

For Petitioner	Mr. P.K. Patel, Advocate
For Respondent /State	Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/1/2016

Heard finally with the consent of learned counsel for the parties.

(2) Complaining violation of the provisions contained in Section 170(B) of the Chhattisgarh Land Revenue Code, 1959, the petitioner has preferred an application before the SDO(R), Saraipali on 29.05.2015, in which, the next date was fixed on 22.06.2015. However, there is no order sheet written by the SDO on 22.06.2015 and the matter was taken up on 14.09.2015 without notice to the parties. On the said date, the SDO(R) fixed the matter on 09.10.2015, but yet again, the case has not been taken up on 09.10.2015 or thereafter.

(3) It appears the SDO(R) is not performing his duties in proper manner by taking up the judicial matter on the date fixed for hearing. He is not even writing order sheets on the dates, on which, the matter was posted.

(4) Considering the entire facts' situation of the case, the writ petition is disposed of with a direction that the SDO(R), Saraipali, shall take up the matter at the earliest and decide the same, as early as possible, preferably within a period of 06 months from today.

(5) It is made clear that the SDO(R) shall hear both the parties and provide them opportunity to adduce evidence and merely because, this Court has made observations, SDO(R) shall not be prejudiced against the petitioner. Any violation of this order shall be viewed seriously and the SDO shall be hauled up for contempt of the lawful authority of this Court.

Sd/-

Judge

(Prashant Kumar Mishra)

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