

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 666 of 2016

Premlal S/o Brijlal Kanwar Aged About 45 Years Village Navagaon
Tahsil Kurud District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Land Revenue
Department Mahanadi Bhawan New Raipur District Raipur
(Chhattisgarh)
2. The Commissioner, Raipur Division, Raipur, (Chhattisgarh)
3. The Sub Divisional Officer (Revenue), Divisional Office Kurud,
District Dhamtari, (Chhattisgarh)
4. The Superintendent, Land Record Dhamtari, District Dhamtari,
(Chhattisgarh)
5. Murlidhar Sonber, S/o Devsingh Sonber, R/o Village Navagaon,
Tahsil Kurud, District Dhamtari, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ravi Maheshwari, Advocate.
For State	:	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2016

Heard on admission.

1. This petition under Article 226 of the Constitution of India is preferred against order dated 29.12.2015 passed by the Board of Revenue.

2. Learned counsel for the petitioner submits that the Board of Revenue committed gross illegality and perversity in holding that the respondent No.5/ Murlidhar Sonber was not served. He submits that the

evidence on record has not been properly appreciated.

3. A perusal of the impugned order shows that in order to come to the conclusion that the respondent was not served, the Board of Revenue has minutely examined the oral and documentary evidence on record particularly the evidence of Kotwar, who has denied having effected any service of notice on respondent Murlidhar Sonber. On this basis, the Board of Revenue has reached the conclusion that there was no opportunity of hearing afforded to Murlidhar Sonber before directing correction of revenue records in survey proceedings.

4. The order of the Board of Revenue neither suffers from any perversity much less any illegality warranting interference by this Court in exercise of supervisory jurisdiction or certiorari jurisdiction under Article 226 of the Constitution of India.

5. The Board of Revenue has directed fresh enquiry to be made after affording opportunity of hearing to both the parties. The petition has no merit and is therefore dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
J U D G E