

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1738 of 2016

- Govind Prasad Pandey S/o Shri R.K. Pandey, Aged About 60 Years
R/o Village Pandatarai, Tahsil Pandaria, District Kabirdham
Chhattisgarh

---- Petitioner

Versus

1. Dr. Abubkar Hingora S/o M.I. Hingora, R/o Tikrapara, Raipur,
District Raipur Chhattisgarh
2. Chhattisgarh Board Of Revenue, Bilaspur, District Bilaspur,
Chhattisgarh
3. The Sub Divisional Officer, (Revenue), Pandaria, District
Kabirdham Chhattisgarh

---- Respondent

For Petitioner

Mr. Viswanath Goswami, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

12/7/2016

1. Heard.
2. In mutation proceeding, the petitioner's name was ordered to be recorded in the revenue records by the concerned Tehsildar on 06.08.2008. Challenging the said order, respondent No.1 preferred an appeal before the SDO (Revenue), Pandariya on 18.11.2008. As the appeal was barred by 41 days, respondent No.1 moved an application for condonation of delay. The SDO (Revenue) allowed the prayer for condonation of delay, against which, the petitioner preferred a Revision Application

before the Board of Revenue.

3. By the impugned order, the Board of Revenue has dismissed the Revision Application of the petitioner on the ground that respondent No.1 has satisfactorily explained the delay, therefore, the SDO has not committed any illegality or irregularity.
4. It is the settled law that the expression "sufficient cause" should be construed to advance the cause of justice rather than using the same with a hyper-technical approach to defeat the ends of justice. (See : *Perumon Bhagvathy Devaswom, Perinadu Village Vs. Bhargavi Amma (Dead) by LRs and others, (2008) 8 SCC 321*).
5. In the case at hand, the delay was not enormous. In the proceeding under Article 226 of the Constitution of India, the writ Court ordinarily does not interfere with the exercise of judicial discretion by the subordinate authorities unless and until the said exercise is found to be affected by wholly impermissible approach.
6. For the above stated reasons, the writ petition has no substance, it deserves to be and is hereby dismissed. However, it is observed that the SDO (Revenue) shall provide complete opportunity of hearing to the petitioner while disposing of the appeal. Sd/-

Judge

(Prashant Kumar Mishra)

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