

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1796 of 2016

1. Guleram S/o Sitaram Dhimar, Aged About 29 Years
2. Sitaram, S/o Mukut Dhimar, Aged About 55 Years

Both R/o Village Lakhurri, P.S. Bamhanidih, Tahsil Champa, District Janjgir Champa, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector, Janjgir Champa, (Chhattisgarh)
2. Board Of Revenue, Bilaspur, (Chhattisgarh)
3. The Add. Commissioner, Bilaspur, (Chhattisgarh)
4. Ayodhya Prasad, S/o Vishalnath Pandey
5. Umendra Prasad, S/o Vishalnath Pandey

Respondent No.4 & 5 R/o Village Lakhurri, P.S. Bamhanidih, Tahsil Champa, District Janjgir Champa, (Chhattisgarh)

---- Respondents

For Petitioner	Shri H. P. Agrawal, Advocate
For Respondent-State	Shri Ramakant Mishra, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/07/2016

1. The Board of Revenue, Bilaspur has rejected the petitioners' revision application against the order passed by the Additional Commissioner, Bilaspur Division, whereby the petitioners' application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (henceforth 'the Code, 1959') against the respondent Nos.4 & 5 has been rejected.

2. It is argued that the report of the Revenue Inspector was clear to the effect that the respondent Nos.4 & 5 have encroached 9 dismal land belonging to the petitioners, therefore, the application under Section 250 of the Code, 1959 should have been allowed.
3. Perusal of the documents would demonstrate that initially the Naib Tahsildar, Champa allowed the petitioners' application on 23.06.2004, against which an appeal was preferred by the respondent Nos.1 & 2 before the Sub Divisional Officer (Revenue) [for short 'the SDO (R)'], Champa. The appeal was allowed on 30.03.2005 by a detailed order running into 10 pages. Thereafter the petitioners' second appeal was dismissed by the Additional Commissioner, Bilaspur Division on 09.02.2010 and the present impugned order has been passed by the Board of Revenue rejecting their revision application while affirming the order passed by the Additional Commissioner, Bilaspur Division and SDO (R), Champa.
4. Since three Revenue Authorities including the Board of Revenue have recorded concurrent findings against the petitioners, this Court would not sit in appeal against the impugned orders/findings while exercising jurisdiction under Article 226 of the Constitution of India. If the petitioners feel that the respondent Nos.4 & 5 have encroached on any land belonging to them, they would be at liberty to maintain a suit before the Jurisdictional Civil Court.
5. The writ petition is disposed of with the liberty aforesaid.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA