

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1181 of 2015

- Gendlal Sahu S/o Pyariram Sahu Aged 68 Years R/o Jijamgaon, Tehsil Kurud, District Dhamtari, (Chhattisgarh)

---- Petitioner

**Versus**

1. Kunti Bai S/o Wd/o Tejram Sahu R/o Jijamgaon, Tehsil Kurud, District Dhamtari, (Chhattisgarh)
2. Gulambai D/o Tejram Sahu R/o Jijamgaon, Tehsil Kurud, District Dhamtari, (Chhattisgarh)
3. State Of Chhattisgarh Through The Secretary Of Revenue Department, New Raipur, (Chhattisgarh)

---- Respondent

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|-----------------------|-------------------------------|
| For Petitioner        | Ms. Tuhina Pandey, Advocate   |
| For Respondents 1 & 2 | Mr. Ravindra Sharma, Advocate |
| For Respondent /State | Ms. Kirti Rao, Panel Lawyer.  |

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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

5/1/2016

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

(2) One Tejram, son of petitioner, received the subject land from his maternal grandfather Punit Ram on 09.07.1980. Tejram died in the year 1992. On an application preferred by the petitioner, the Revenue Inspector recorded his name in the concerned revenue entries ignoring the claim of respondents 1 & 2, who happen to be widow and daughter of Tejram. When respondents 1 & 2 became aware about the entries, they moved an appeal before the Naib Tehsildar, Kurud, which was

rejected, against which, a second appeal was preferred by respondents 1 & 2 before the SDO (Revenue), Kurud. The said SDO (Revenue) dismissed the appeal on the ground of limitation, which was assailed by respondents 1 & 2 in Revision preferred by them before the Collector, Dhamtari. By order dated 30.09.2013, the Collector, Dhamtari allowed the Revision, condoned the delay in moving the appeal and remitted back the matter to the SDO (Revenue) for decision on merits. This order of Collector was assailed by the petitioner before the Board of Revenue, which has been dismissed by the impugned order.

(3) Having heard learned counsel for the parties and having perused the orders passed by the Naib Tehsildar, Kurud on 29.06.2012, the Collector, Dhamtari on 30.09.2013 and the impugned order passed by the Board of Revenue, it would appear that when the Collector, Dhamtari had allowed the Revision Application preferred by respondents 1 & 2 and while condoning the delay, had remitted back the matter to the SDO (Revenue) for decision on merits, the Board of Revenue ought not to have decided the whole issue on merits, because, the matter was yet to be considered by the SDO (Revenue) on merits.

(4) Accordingly, the writ petition is disposed of with a direction that the SDO (Revenue), Kurud shall consider and decide the appeal preferred by the respondents 1 & 2 on merits at the earliest.

Sd/-

Judge

**(Prashant Kumar Mishra)**