

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2368 of 2015

Ashok Kumar Gupta S/o Late Shri Haridas, Aged About 54 Years R/o Haldibadi, Chirmiri, Tah Khandgawa, Police Station Chirmiri, Civil And Revenue Distt. Korea, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Distt. Korea, (Chhattisgarh)
2. Excise Commissioner, Chhattisgarh Excise Bhawan, Labhandi, Raipur (Chhattisgarh)

---- Respondents

Shri Ali Asgar, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/02/2016

This petition arises out of order dated 08/12/2015 passed by the Board of Revenue by which interim order in favour of the petitioner has been vacated.

2. Sole submission of learned counsel for the petitioner is that while exercising judicial discretion, the Board of Revenue obliged under the law to atleast state in brief, the reasons to vacate the interim order. The order is non-speaking.

3. Learned State counsel opposes the prayer of the petitioner and submits that the Board of Revenue has considered material and recorded that it is a matter of Government recovery.

4. The petitioner was granted interim order. While vacating interim order passed in favour of the petitioner, atleast some reason in brief was required to be stated. It has not been done. The order is therefore set aside. Petition is

allowed. The Board of Revenue shall consider the application for vacating stay afresh and pass order on prayer for vacating stay.

Further, the revision pending before the Board of Revenue may also be expeditiously decided.

Sd/-

(Manindra Mohan Shrivastava)
Judge