

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 284 of 2016

Durgesh Sharma W/o Rajendra Sharma, Aged About 50 Years R/o Lal Tanki Road, Raigarh, Tahsil & District Raigarh Chhattisgarh Through Special Power Of Attorney Holder Rajendra Sharma @ Suresh Sharma, S/o Late Shri Kishan Sharma, Aged About 55 Years, R/o Lal Tanki Road, Raigarh, Tahsil & District Raigarh Chhattisgarh

---- Petitioner

Versus

1. The Collector Raigarh Collectorate Office, Raigarh, District Raigarh Chhattisgarh
2. The Tahsildar, Raigarh, District Raigarh Chhattisgarh
3. Smt. Radha Bai W/o Meghu Ram R/o Village Beladulha, Tahsil & District Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vineet Kumar Pandey, Advocate.
For State/respondents No.1 & 2	:	Shri Ramakant Mishra, Dy. A.G. on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/02/2016

Heard.

1. The grievance of the petitioner as ventilated through this petition is that even though an order of dispossession has been passed by Tahsildar under Section 250 of the Land Revenue Code against respondent No.3, affirmed in appeal by the Sub-Divisional Officer, the possession is not being handed over to the petitioner by revenue authorities in execution of order of eviction.
2. There is no specific averment in the petition that the order passed by the Sub-Divisional Officer has attained finality.
3. Be that as it may, if the respondent has not placed before the Tahsildar

any order of any higher revenue Court or any other Court staying eviction, it goes without saying that the order of eviction is required to be executed and the execution proceedings cannot be kept pending indefinitely.

4. The Tahsildar shall verify from its own record whether there is any stay against the order of eviction and the order passed in appeal. If there is no such order, the Tahsildar should immediately proceed to execute its own order and report the matter to the Sub-Divisional Officer within a period of 30 days from the date of receipt of copy of the order.

5. With the aforesaid observations, this petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E