

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 947 of 2015

State Of Chhattisgarh Through The Sub Divisional Officer, Kabirdham
Chhattisgarh

---- Petitioner

Versus

1. Sheshendra Kishore Das S/o Radhika Das, R/o Thana And Tahsil Khamhariya, District Bemetara, Chhattisgarh
2. Tikendra Kishore Das, S/o Radhika Das, R/o Chhuikhadan, Tahsil Chhuikhadan, Rajnandgaon, Chhattisgarh
3. Smt. Vaidehi Devi, W/o Arjun Das Vaishnav, R/o Village Chikhali, District Rajnandgaon, Chhattisgarh
4. Smt. Ratna Devi, W/o Shyam Kishore Das, R/o Meena Badi, Nagpur, Maharastra

---- Respondents

For Petitioner	:	Shri Ramakant Mishra, Dy. A.G.
For Respondents	:	Shri Pramod Verma, Senior Advocate with Shri Virendra Verma, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/03/2016

Heard.

1. Challenge is to the order dated 30.3.2015 by which the Board of Revenue has rejected the petitioner's application for condonation of delay in filing the appeal.
2. Relying upon the judgment of the Supreme Court in the case of **Executive**

Officer, Antiyur Town Panchayat Vs. G. Arumugam (dead) by LRs (2015) 3 SCC 569, learned counsel for the petitioner-State submits that the delay was not intended to defeat justice. It was only official delay which resulted in delay in filing of the appeal. In such cases, the delay was liable to be condoned.

3. On the other hand, learned senior counsel submits that there is hardly any explanation offered by the petitioner in their application for condonation of delay. He further submits that even if this Court comes to the conclusion that dismissal of application for condonation of delay in limine was not justified, the respondents should be granted an opportunity to contest the application by filing reply to prayer for condonation of delay.
4. After hearing learned counsel appearing for the parties, taking into consideration that the application has been rejected in limine and also keeping in view the judgment of the Supreme Court in the case of **Executive Officer, Antiyur Town Panchayat** (supra), impugned order is set aside. The respondents shall have an opportunity to file reply to the application for condonation of delay. Thereafter, the Board of Revenue shall consider and take appropriate decision in accordance with law on prayer for condonation of delay.
5. The petition is accordingly disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge