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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 991 of 2016**

Bhagwat Prasad Gupta @ Bhagwat Gupta S/o Anirudhh Prasad Gupta, Aged About 60 Years Present Address R/o A- 205, Shiv Complex, Ward No. 27, Kampa Mova Raipur, District Raipur (Chhattisgarh), Permanent R/o Baniyapara Dhamdha, Tahsil Dhamdha, District Durg, (Chhattisgarh) Through Satish Gupta, S/o Bhagwat Prasad Gupta, Aged About 42 Years, R/o A- 205 Shiv Complex Ward No. 27, Kampa Mova Raipur, District Raipur, (Chhattisgarh) (Power Of Attorney Holder) (Respondent Before The Revenue Board)

---- Petitioner**Versus**

1. Meena Gupta Wd/o Late Sundar Lal, R/o Baniyapara, Dhamdha, Tahsil Dhamdha, District Durg (Chhattisgarh)
2. Manoj Gupta, S/o Late Sunderlal, R/o Baniyapara, Dhamdha, Tahsil Dhamdha, District Durg (Chhattisgarh)
3. Ashok Kumar Gupta, S/o Late Sundarlal, R/o Baniyapara, Dhamdha, Tahsil Dhamdha, District Durg (Chhattisgarh)
4. Rajendra Prasad Gupta, S/o Late Anirudhh Prasad Gupta, R/o Baniyapara, Dhamdha, Tahsil Dhamdha, District Durg (Chhattisgarh)
5. Upendra Prasad Gupta, S/o Late Anirudhh Prasad Gupta, R/o Baniyapara, Dhamdha, Tahsil Dhamdha, District Durg (Chhattisgarh)

---- Respondents

For Petitioner : Mr. P.K. Tulsyan, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****21/04/2016**

Heard on admission.

1. This petition arises out of an order on 31.03.2016 passed by the Board of Revenue whereby the petitioner's application for vacating stay has been rejected.

2. Learned counsel for the petitioner submits that while rejecting the application for vacating stay, the Board of Revenue has

committed gross perversity in not appreciating that by misinterpreting interim order, Tahsildar has passed illegal order restraining construction which is beyond his jurisdiction. It is submitted that aspect was not taken into consideration by the Board of Revenue.

3. After going through the order passed by the Board of Revenue, I find that after consideration of submission of both the parties, application for vacating stay has been rejected by observing that as the title is disputed, the revision would be rendered infructuous if the order of the Commissioner is not stayed.

4. In a matter arising out of decision on interim application by subordinate Court and Tribunal, the supervisory jurisdiction of the High Court under Article 227 of the Constitution of India is limited only in seeing whether while passing the order, the subordinate Court and Tribunal has exceeded his jurisdiction or committed perversity or it has resulted in serious miscarriage of justice warranting interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. It is also well settled that mere error of fact or law would not by itself provide a ground for interference unless there is illegality of the nature referred to above.

5. At this stage, it is relevant to mention that the grievance of the petitioner is that by misinterpreting the order of the Board of Revenue, the Tahsildar has passed the order on 11.02.2016 staying construction over the land whereas the possession is not in dispute. It has to be clarified that rejection of petitioner's application does not put a seal of approval on the order passed by the Tahsildar. If the case of the petitioner is that the Tahsildar has passed the order by completely misinterpreting the order passed by the Board of Revenue, the remedy of the petitioner lies in challenging the same in accordance with law.

6. With the aforesaid observation, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E