

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 717 of 2015

Murari Lal Sahu S/o Ramprasad Sahu, Aged About 55 Years R/o Baloda Bazaar, Tahsil & District Baloda Bazaar, (Chhattisgarh).....(Non Applicant)

---- Petitioner

Versus

1. Harikishan Sahu S/o Ram Prasad Sahu, Aged About 58 Years R/o Baloda Bazaar, Tahsil & District Baloda Bazaar, (Chhattisgarh).....(Applicant)
2. State Of Chhattisgarh, Through Revenue Board, Circuit Court Raipur, Headquarter Bilaspur (Chhattisgarh).....(Applicant)
3. Upper Commissioner, Raipur Division Raipur, District Raipur (Chhattisgarh).....(Applicant)
4. Sub Divisional Officer (Revenue), Baloda Bazaar, District Baloda Bazaar (Chhattisgarh).....(Applicant)
5. Tahsildar, Baloda Bazaar, District Baloda Bazaar (Chhattisgarh).....(Applicant)

---- Respondents

For Petitioner	:	Shri Vimlesh Bajpai, Advocate
For respondent No.1	:	Shri Ashish Surana, Advocate
For respondents No. 2 to 5/State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

16/03/2016

Heard.

1. At the outset, learned counsel for the petitioner submits that though the

petitioner is not challenging that part of the order by which the order of eviction has been upheld, it is submitted that in these proceedings collaterally, the petitioner's application for grant of patta has also been rejected, whereas in the proceedings of eviction under Section 248 of the Land Revenue Code, issue of grant of patta could not be clubbed. It is also submitted that the Board of Revenue has not examined this aspect and the petitioner apprehends that if he applies afresh for grant of patta, the order of Board of Revenue may come in the way. Learned counsel for the petitioner submits that the petitioner has already vacated the land after the order was passed by the Board of Revenue and he is not in possession of the disputed land.

2. The Board of Revenue has not said anything about petitioner's entitlement to get patta. It is open for the petitioner to apply afresh for grant of lease. It would be for the competent authority to consider as to what would be effect and impact of earlier proceedings of eviction on petitioner's entitlement for grant of patta.
3. With the aforesaid observations, the petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge