NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 2838 of 2016

- Kapil S/o Usatram Sidar, Aged About 45 Years R/o Vilage Khokhra, Tahsil And District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Scretary, Revenue Department New Mahanadi Bhawan, Mantralaya Raipur Chhattisgarh
2. Board Of Revenue, Chhattisgarh Bilaspur, District Bilaspur Chhattsigarh
3. Sub Divisional Officer, Raigarh District Raigarh Chhattisgarh
4. The Nayab Tahsildar, Raigarh, District Raigarh Chhattisgarh
5. Commissioner. Bilaspur Division Bilaspur Chhattisgarh
6. Parbudi W/o Daduram Bhaina, R/o Village Khokhra, Tahsil And District Raipur Chhattisgarh
7. Dhropati, D/o Dadu Ram Bhaina, R/o Village Khokhra, Tahsil And District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sanjeev Kumar Sahu, Advocate
For State	:	Mr. Ajit Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Oral Order

27/07/2016

1. This petition under Article 226 of the Constitution of India is preferred against the order dated 20.11.2015 passed by the Board of Revenue, by which, petitioner's revision has been dismissed as barred by limitation.

2. Learned counsel for the petitioner submits that he had a substantial issue for consideration. He submits that the petitioner is resident of poor class society. In order to earn his livelihood, the petitioner left his place of residence and therefore, the revision could not preferred within the limitation. However, on account of

the delay revision was rejected though the petitioner intended to challenge the Commissioner's order passed in appeal on 25.06.2009.

3. I have gone through the order passed by the Board of Revenue. From the order of the Board of Revenue, it is revealed that the petitioner preferred revision against the order dated 25.06.2009 passed by the Commissioner in appeal. The revision, however, was preferred in the year 2015. There has been delay of six years . The only reason assigned for delay is that the appellant is less educated and in order to earn his livelihood, he had left his place of residence, therefore, he could not file revision in time. This reason is far from being satisfactory, even applying most liberal standards in the matter of consideration of prayer for condonation of delay in filing the appeal. It is to be noted that the petitioner was prosecuting his remedy ever since the order was passed against him by the Sub Divisional Officer dated 23.08.2007. Against the order passed by the Sub Divisional Officer, the petitioner preferred an appeal before the Commissioner, Bilaspur. He prosecuted the appeal though unsuccessfully, culminating in dismissal order dated 25.06.2009. Thereafter, petitioner did not do anything. It is not that for few months, the petitioner could not file any appeal. According to the petitioner, he had left his place of residence to seek employment. This clearly shows that the petitioner had already decided to take up some other work as the order passed by the Commissioner was against him and he had no job left. He, however, remained silent

for about six years, then turned back and filed petition before the Board of Revenue.

4. In view of the above backdrop, the discretionary exercise vested in the Board of Revenue to reject application for condonation of delay does not suffer from any apparent error of law or fact so as to warrant interference in exercise of certiorari jurisdiction under Article 226 of the Constitution of India. The petition, therefore, is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra