

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 696 of 2015

Ganga Bai D/o Late Nandu Satnami, Aged About 62 Years Resident Of Village- Dhandhani, Tahsil And Distt. Baloda Bazar (Chhattisgarh) Civil & Revenue Distt. Baloda Bazar (Chhattisgarh)

---- Petitioner

Versus

Laini Bai D/o Shri Nandu Satnami, Resident Of Village- Dhandhani, Tahsil And District- Baloda Bazar (Chhattisgarh) Through The General Power Of Attorney, Mitthu, Son Of Shri Sonuram Satnami, Tahsil And Distt. Baloda Bazar, Civil And Revenue Distt. Baloda Bazar (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri M.K. Bhaduri, Advocate
For Respondent	:	None appears even in the second round

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

Order On Board

18/02/2016

Heard.

1. The petitioner has filed this petition aggrieved by order dated 16.6.2015 by which the Board of Revenue has directed the Tahsildar to mutate the name of respondent also along with the petitioner.
2. Submission of learned counsel for the petitioner is that the Board of Revenue exceeded its jurisdiction in entering upon merits of the case, whereas the revision was only against the orders of interim nature. The second appeal was pending consideration before the Additional Commissioner. The respondent had preferred the revision only against two interim orders dated 16.1.2012 and 6.8.2012 during the pendency of second appeal.
3. A perusal of the impugned interims orders shows that revision petition was preferred against the interim orders. There was no occasion for the Board of

Revenue to examine the merits of the case, for the reason that a second appeal was already pending. The second appeal having not been disposed off on merits but only interim orders passed, the Board of Revenue could not have gone into the other aspect of the matter except examining the legality and validity of the interim orders passed by the Addl. Commissioner.

4. In view of the above, the order of the Board of Revenue to the extent it set aside the interim orders alone is upheld. The other part of the order is found to be in excess of jurisdiction and authority and therefore set aside. The matter shall be taken up for hearing of second appeal by the Additional Commissioner on its own merits for decision in accordance with law.
5. The petition is accordingly partly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge