NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 121 of 2015

Ishwar Ram S/o Late Komal Ram Aged About 25 Years R/o Village Jamdhodhi, Tahsil Sitapur, District - Sarguja (C.G.)

---- Petitioner

Versus

1. Dayaram S/o Chherika Ram Aged About 62 Years R/o Village Jamdhodhi, Tahsil Sitapur, Distirct - Sarguja C.G.
2. State Of Chhattisgarh Through its Collector District Sarguja (C.G.)
3. The Sub Divisional Officer Tahsil Sitapur, District Sarguja C.G.
4. The Tahsildar Tahsil Sitapur, District Sarguja C.G.

---- Respondents

For Petitioner	:	Shri Ravi Maheshwari, Advocate
For Respondent No.1	:	Shri Anand Kesharwani, Advocate
For Respondent No.2 to 4	:	Ms. Tripti Rao, Panel Lawyer

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

Order On Board

29/03/2016

Heard.

1. This petition has been filed by the petitioner aggrieved by order dated 14th November, 2014 passed by the Board of Revenue.

2. The contention of learned counsel for the petitioner is that though the revenue records were corrected and respective shares of various shareholders were properly recorded by the Revenue Inspector/ Nayab Tahsildar strictly in

accordance with the terms of partition as was effected between the parties' forefathers namely Chherika and Bartu, the Board of Revenue ignored to consider this aspect of the matter and thereby committed illegality in exercise of its jurisdiction.

3. The main operative reason to hold the entries illegal is that Revenue Inspector/Nayab Tahsildar had no jurisdiction to effect partition of holdings. This finding recorded by the Board of Revenue is in accord with the provision contained in Sections 109 & 110 of the Land Revenue Code.

4. An attempt has been made to justify the order by referring to various documents. Irrespective of the merits of the case, if the entries made by the Revenue Inspector/ Nayab Tahsildar were without jurisdiction, no amount of justification can validate the order which is *void ab initio*. The order passed by the Board of Revenue does not warrant any interference. The petitioner has already been given liberty by the Board of Revenue to apply for partition of holdings.

5. With the aforesaid observations, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen