

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.348 of 2016**

1. Kunna Singh Son of Rai Singh, aged about 50 years,

2. Bhav Singh son of Heeralal, aged about 65 years,

Both are resident of Village-Gummatola (wrongly mentioned as Gummatoli), Tahsil Pendraroad, District-Bilaspur (CG)

---- Appellants

Versus

1. State of Chhattisgarh through the Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)

2. The Additional Commissioner, Bilaspur Division, Bilaspur (CG)

3. The Additional Collector Pendraroad, District Bilaspur (CG)

4. The Sub-Divisional Officer (Revenue), Pendraroad, District-Bilaspur (CG)

5. Babulal Singh, aged about 61 years, son of Gokul Singh, resident of Village-Gummatola (wrongly mentioned as Gummatoli), Tahsil-Pendraroad, District-Bilaspur (CG)

---- Respondents

For Petitioner	:	Mr. Dharendra Prasad Mishra, Advocate
For Res.No.1 to 4	:	Mr.A.S.Kachhawaha, Addl.A.G.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

19/09/2016

1. This writ appeal is directed against the order dated 11.5.2016 passed by a learned Single Judge of this Court in Writ Petition (C) No.1266 of 2016 dismissing the writ petition.

2. The appellants claim to be the original tenants/land holders. They are tribals and it is claimed that in terms of Section 170B of the

Madhya Pradesh Land Revenue Code, 1959 land belonging to the tribal could not have been transferred to anybody and they could not have been dispossessed from the land.

3. The revenue authorities have held that as a matter of fact in the year 1954, name of private respondents had been entered in the revenue records. Therefore, dispossession, if any, of the appellants was prior to coming into force of the Land Revenue Code. The finding as to date of dispossession is a pure finding of fact.
4. We do not find any illegality in the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay K.Agrawal)
Judge