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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2300 of 2016**

1. Krishnaraj Singh S/o Late Padumraj Singh Aged About 67 Years R/o Village Pandariya, Police Station & Tahsil Pandariya, district-Kabirdham, Chhattisgarh.

---- Petitioner**Versus**

1. Commissioner Land Records Chhattisgarh Raipur District-Raipur, Chhattisgarh.
2. Collector Kabirdham, District-Kabirdham, Chhattisgarh.
3. Sub Divisional Officer/Prescribed Authority Under Ceiling Act 1960, Pandariya, District-Kabirdham, Chhattisgarh.
4. Tasildar Pandariya District Kabirdham, Chhattisgarh.
5. Principal, Government Higher Secondary School Pandariya District-Kabirdham, Chhattisgarh.
6. Patwari P.H.No.29 Tahsil Pandariya, District-Kabirdham, Chhattisgarh.

---- Respondent

For Petitioner	Shri R.K. Tiwari & Shri F.S. Khare, Adv.
For Respondent/State	Shri R.K. Mishra, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/09/2016**

1. This petition is directed against the order passed by the Commissioner, Land Records, Chhattisgarh, on 15-6-2016 whereby the application for grant of stay has been rejected.
2. Admittedly, the ceiling proceedings under the provisions of the Chhattisgarh Ceiling on Agricultural Holdings Act, 1960 ('the Act' for brevity) are pending before the Commissioner, Land Records, Chhattisgarh, Raipur, because the lands belonging to the petitioner are situated in two different divisions.
3. It is argued that on an earlier occasion, the matter was decided by the Collector, Kabirdham on 17-4-2000 remitting back the matter to the Sub Divisional Officer-cum-competent authority, against which the petitioners have preferred a revision before the Board of Revenue wherein an interim order was granted, however, later on, the Board of Revenue remitted the matter to the Commissioner, Land Records, Raipur. It is, thus, argued that there being an interim order in favour of the petitioner before the Board of Revenue, the same should have been continued by the Commissioner, Land Records.

4. It appears, the order Annexure – P/2 was passed by the Collector, Kabeerdham, on 17-4-2000, against which revision application was moved by the petitioner before the Board of Revenue in the year 2009 i.e. after 9 years. By order Annexure – P/2 the Collector has only remitted the matter back to the Sub Divisional Officer (Revenue)-cum-competent authority, therefore, if the said order is stayed, the proceedings before the Commissioner, Land Records, Raipur, would automatically be stayed.
5. The lands being situated in two different divisions, the Commissioner, Land Records, is proceeding further in the matter in accordance with the direction issued by the Board of Revenue, therefore, the order passed by the Collector would not come in the way of the Commissioner, Land Records, who is enjoin to decide the matter in accordance with law.
6. Since the ceiling proceeding is pending for quite some time, it is directed that the Commissioner, Land Records, shall complete the proceedings and pass final order in accordance with law and on its own merits at the earliest

preferably within a period of six months from the date of submission of certified copy of this order.

7. Accordingly, the writ petition is disposed of with the observations as stated *supra*.

Sd/-

Judge
Prashant Kumar Mishra

Gowri