

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2972 of 2016**

- Duawati Jaiswal W/o Shri Awadhram Jaiswal Aged About 59 Years R/o Village Meduka, P. O. Darri, P.S. Gaurela, Tehsil- Pendra Road, District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Ramkali Alias Nan - Bai D/o Gaj-Roop W/o Jeevanlal Kalar, R/o Village Meduka, P.O. Darri, P.S. Gaurela, Tehsil- Pendra Road, District- Bilaspur, Chhattisgarh
2. Ram-Prasad Kalar S/o Gaj-Roop R/o Village Meduka, P.O. Darri, P.S. Gaurela, Tehsil- Pendra Road, District- Bilaspur, Chhattisgarh
3. Ram-Pratap Kalar, S/o Gaj-Roop R/o Village Meduka, P.O. Darri, P.S. Gaurela, Tehsil- Pendra Road, District- Bilaspur, Chhattisgarh
4. Ram- Narayan Kalar, S/o Gaj-Roop R/o Jagdalpur, Tehsil & District- Jagdalpur, Chhattisgarh
5. Ram- Shankar Kalar S/o Gaj-Roop R/o Village Tikarkala, P.O. Pendra Road, P.S. Pendra Road, Tehsil Pendra Road, District- Bilaspur, Chhattisgarh
6. The Collector, Bilaspur, Collectorate Premises, District- Bilaspur, Chhattisgarh
7. The Sub-Divisional Officer, Pendra-Road, Tehsil Pendra-Road, District- Bilaspur, Chhattisgarh
8. The Patwari Halka Meduka, Patwari Halka No. 3, R.C.- Guarela, Village Meduka, P.O. Darri, P.S. Gaurela, Tehsil- Pendra Road, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner : Shri Kshitij Sharma, Advocate.
For Respondent/State : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board**07/12/2016**

1. The petitioner has called in question the order passed by the SDO (Revenue), Pendra Road, Bilaspur on 14.3.2016 allowing the appeal preferred by respondent Ramkali to mutate her name along with respondents 2 to 5 in the revenue records.
2. It is argued that the appeal was barred by 27 years and the delay was condoned without hearing the petitioner because she was not a party in the appellate proceeding before the SDO(Revenue), yet she cannot challenge the order condoning delay in view of the bar under Section 46(a) of the CG Land Revenue Code, 1959 (for short 'the Code') therefore, the present writ petition has been preferred.
3. Considering the fact that the order under challenge is appealable under Section 44 of the Code and more so when the petitioner was not made party in the proceeding, ends of justice would be served if the petitioner is permitted to prefer an appeal before the appellate authority under Section 44 of the Code to challenge the order dated 14th March, 2016 as well as the order dated 29th February, 2016 on merits, as also on the ground that the orders have been passed without providing opportunity of hearing to the petitioner.
4. Let petitioner prefer an appeal within 30 days from today and on such appeal being preferred, the appellate authority shall decide the appeal on its own merits, after hearing the other side. The petitioner may move application for grant of interim relief before the appellate authority and the appellate authority shall consider the application before proceeding to pass final order in the appeal.
5. With the aforesaid observations, the writ petition is disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve