

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 543 of 2015**

Taman Singh Sonwani S/o Late Shri Kalyan Singh Sonwani, R/o Village Sarbada, Tahsil Kurud, District Dhamtari (C.G.)

---- Petitioner**Versus**

1. The State of Chhattisgarh, Through The Collector, Dhamtari, District Dhamtari (C.G.)
2. Board of Revenue, Circuit Bench Raipur, District Raipur (C.G.)
3. The Additional Commissioner, Raipur Division, Raipur (C.G.)
4. The Gram Panchayat, Sarbada, Through: The Sarpanch, Gram Panchayat Sarbada, Tahsil Kurud, District Dhamtari (C.G.)

---- Respondents

For Petitioner	:	Shri Vivek Verma, Advocate
For State	:	Ms. Smita Ghai, Panel Lawyer
For Respondent No. 4	:	Shri Saleem Kazi, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****04/11/2016**

1. With the consent of the parties, the writ petition itself is taken up for hearing.
2. The Petitioner has challenge the order dated 1.4.2015 passed by the Board of Revenue in Case No. R.M./04/R/A-71/348/2015, whereby an application for condonation of delay filed by Respondent No.4 herein has been allowed and delay in filing the revision has been condoned without issuing notice to the Petitioner.

3. This Court is not going into the merits of the case, however there can be no manner of doubt that before allowing the application for condonation of delay, the affected party had a right to be heard. The Petitioner had a right to oppose the application for condonation of delay. It is after hearing the parties that the Board of Revenue can pass any order which it feels fit and proper. However, any judicial authority must hear both the sides before passing an order. Therefore, on this short ground, the order dated 1.4.2015 is set aside and the matter is remanded to the Board of Revenue to hear the application for condonation of delay after giving an opportunity to both the parties. Since the parties are present before me, they are directed to appear before the Board of Revenue on 14th December, 2016. The Board shall hear the arguments on the application for condonation of delay and if delay is condoned, it shall hear and dispose of the petition itself latest by 31st March, 2017.

4. It is made clear that the order which I have passed today will not affect the order dated 9.6.2015 which is not under challenge in this petition.

5. The writ petition is disposed of with the above directions.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE