

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.629 of 2009**

Dhannalal, aged about 40 years, S/o Shri Shyamlal, R/o Village Ganeshnagar, Chuchuhiyapara, Bilaspur, Tahsil and District Bilaspur (CG).

---- Petitioner

Versus

1. State of Chhattisgarh, through the Collector, District Bilaspur (CG).
- 2A. Smt. Sunita Khande, W/o late Sushil Khande, aged about 36 years.
- 2B. Harish Khande, S/o late Sushil Khande, aged about 17 years.

Both are resident of Village Ganeshwar, Chuchuhiyapara, P.S. Sirgitti, Bilaspur, Tahsil and District Bilaspur (CG).

---Respondents

For Petitioner : Mr. A.V. Shridhar, Advocate
 For State : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

29/06/2017

(1) Learned counsel appearing for the petitioner would submit that the provisions of Section-250 of the Chhattisgarh Land Revenue Code, 1959 is not applicable to the petitioner's property, which is the house property and situated at village Torwa, Tahsil and District Bilaspur and the Board of Revenue, Bilaspur has not decided the objections raised by the petitioner with respect to applicability of Section 250 of the Code in the present case.

(2) Learned counsel appearing for the State/respondent No.1

would oppose the submission made by the learned counsel for the petitioner.

(3) It is a correct to say that the petitioner has raised such an objection before the Board of Revenue, but the Board of Revenue has not decided the same as to 'whether the provisions of Section-250 of the Chhattisgarh Land Revenue Code, 1959 would be applicable in the case of the petitioner's house property or not.'

(4) After hearing learned counsel for the parties and after considering the fact, it appears that such a plea has not been considered and decided by the Board of Revenue, therefore, the impugned order is hereby set-aside and the matter is remitted back to the Board of Revenue, Bilaspur to consider and decide all the objections/legal points raised by the petitioner afresh in accordance with law after affording an opportunity of hearing to the parties expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

(5) Accordingly, the writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-