**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No.328 of 2017**

Mohd. Salim Memon, Son of Haji Harun Rasheed, Aged about 47 years, Resident of Masjidpara, Dharamjaigarh, Tahsil-Dharamjaigarh, District Raigarh (CG)

---- Petitioner

Versus

Dr.Khurshid Khan, S/o Late Ataullah Khan, aged about 45 years, Resident of Turrapara, Dharamjaigarh, Tahsil Dharamjaigarh, Distt.Raigarh (CG)

---- Respondent

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For Petitioner : Mr.Adil Minhaz, Advocate
For Respondent : Mr.Shivendu Bhardwaj, Advocate

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

11/09/2017

**1.** The petitioner has filed this writ petition under Article 227 of the Constitution of India calling in question the order dated 7.10.2016 (Annexure P/1) passed by the Board of Revenue, whereby the Board of Revenue has allowed the revision filed by the respondent and set aside the order dated 17.1.2014 passed by the Sub Divisional Officer (R.), Dharamjaigarh, order 6.2.2014, passed by the Collector, Raigarh and order dated 29.9.2014 passed by the Additional Commissioner, Bilaspur Division, Bilaspur.

**2.** Learned counsel appearing for the petitioner would submit that the impugned order dated 7.10.2016 setting aside the orders passed the Sub Divisional Officer (R.), Dharamjaigarh, Collector, Raigarh and Additional Commissioner, Bilaspur Division, Bilaspur is unsustainable and bad in law.

**3.** On the other hand, learned counsel for the respondent would support the impugned order.

**4.** I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

**5.** The Sub-Divisional Officer (R.), Dharamjaigarh passed an order on 17.1.2014 directing that his order has not been complied with, which amounts to contempt of Court and directed that memo be sent to the Police Station for taking action against the respondent. That has been upheld by the Collector, Raigarh and Additional Commissioner, Bilaspur Division, Bilaspur, however, the Board of Revenue has set aside the orders of the revenue authorities and clearly held that no such contempt is made out against the respondent, which is said to have been committed by him. The Board of Revenue after appreciating the material available on record has rightly passed the impugned order, which is neither perverse nor illegal. I do not find any illegality in the impugned order.

**6.** Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-