

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.1901 of 2017

Khemplal S/o Late Tukaram Aged About 51 Years By Caste Sahu, R/o Kalmi, Tahsil Malkharoda, District Janjgir-Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue and Disaster Management Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh).
2. Hemlal S/o Late Tukaram Aged About 46 Years By Caste Sahu, R/o Kalmi, Tahsil Malkharoda, District Janjgir-Champa (Chhattisgarh).
3. Mistri S/o Late Tukaram Aged About 42 Years By Caste Sahu, R/o Kalmi, Tahsil Malkharoda, District Janjgir-Champa (Chhattisgarh).
4. Commissioner, Bilaspur Division, District- Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner : Mr. Parag Kotecha, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

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

12/10/2017

(1) A second appeal was preferred by the petitioner before the Commissioner, Bilaspur Division, Bilaspur against the order dated 23.01.2006 passed by Sub Divisional Officer (Revenue), Sakti in Appeal Case No.66/A-6(A)/2002-03. The said appeal has been dismissed by the Commissioner by impugned order dated 28.02.2017 on the ground that there is delay of 11 years in filing the appeal.

(2) Learned counsel appearing for the petitioner would submit that the petitioner has shown sufficient cause to the Commissioner for delay in filing the second appeal as his father namely Tukaram is the

main contesting party in the revenue case and in the meanwhile of the case, his father has died, but the same has not been considered by the said authority and therefore the impugned order is liable to be set-aside.

(3) I have heard learned counsel appearing for the parties and perused the impugned order with utmost circumspection.

(4) The Commissioner, Bilaspur/Appellate Authority has clearly recorded a finding that no sufficient cause has been shown by the petitioner for delay of 11 years in filing the appeal. However, the appeal was filed stating that the land of the Government is being transferred. It is for the Government to look into the same and the petitioner has no right/interest in the transfer of any of the government land. Even otherwise the petitioner has no cause of action in challenging the said transfer.

(5) After hearing learned counsel appearing for the parties and after going through the impugned order, the petitioner has no right/interest over the suit land, which is a government land. I am not inclined to entertain the instant writ petition. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-