

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.3086 of 2017

Tarachand S/o Shri Ramratan, aged about 35 years, R/o village Rajpuri, P.S. & Tahsil Lakhanpur, District Surguja (CG).

---- Petitioner

Versus

1.State of Chhattisgarh, through the Secretary, Department of Revenue Mahanadi Bhawan, New Raipur, District Raipur (CG).

2. The Board of Revenue, Bilaspur (CG).

3.The Commissioner, Surguja Division Ambikapur, District Surguja (CG).

4. The Sub Divisional Officer (Revenue), Ambikapur, District Surguja (CG).

5. Tahsildar, Lakhanpur, District Surguja (CG).

6.Sukhram, S/o late Dipan, aged about 78 years, R/o Village Taparkela, P.S. and Tahsil Lakhanpur, District Surguja (CG).

--- Respondents

For Petitioner : Mr. A.N.Pandey, Advocate

For State : Mr. Shashank Thakur, Govt. Advocate

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

17/11/2017

(1) The application filed by the respondent No.6 herein under Section 248 of the Chhattisgarh Land Revenue Code has been allowed by the Tahsildar, Lakhanpur, District Surguja on 27.07.2013, which was affirmed by the Commissioner as well as Board of Revenue, against which this writ petition under Article 226 of the Constitution of India has been preferred by the petitioner.

(2) Learned counsel appearing for the petitioner would submit that the impugned order dated 22.09.2017 passed by the Board of Revenue, Bilaspur is unsustainable and bad in law.

(3) Learned counsel appearing for the State would support the

impugned order.

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

(5) Tahsildar, Lakhanpur has clearly recorded a finding that the respondent No.6 is a Bhumiswami of the suit premises of which the petitioner is in unauthorized possession of the said land, therefore, invoking Section 250 of the Chhattisgarh Land Revenue Code, order of eviction has been passed, which was affirmed by the Commissioner as well as Board of Revenue.

(6) The concurrent findings recorded by three authorities are based on material available on record, I do not find any jurisdictional error in the impugned order.

(7) On the request of learned counsel for the petitioner, one month's time is granted to vacate the suit premises.

(8) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-