

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 697 of 2017

Devsingh S/o Lakhan Aged About 52 Years R/o Village Gadaghat, Tahsil Bagbahra, District- Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. The Collector, Mahasamund, District Mahasamund, Chhattisgarh
3. Tahsildar Bagbahra, District- Mahasamund, Chhattisgarh
4. Gram Panchayat Paterapali, Tahsil- Bagbahra, District- Mahasamund, Chhattisgarh
5. Santosh Soni Patwari Gram Gadaghat, R.C. 13 Khallar, Tahsil Bagbahra, District Mahasamund
6. Jagdish Patel S/o Brijlal Caste Marar Aged About 55 Years R/o Village Gadaghat, Tahsil- Bagbahra, District Mahasamund, Chhattisgarh
7. Shyam Vishwakarma Aged About 60 Years Caste Lohar, R/o Village Gadaghat, Tahsil- Bagbahra, District Mahasamund, Chhattisgarh
8. Bhukhau S/o Khageshwar Aged About 38 Years Caste- Mehar, R/o Village Gadaghat, Tahsil- Bagbahra, District Mahasamund, Chhattisgarh
9. Juganu S/o Dedu Aged About 55 Years Caste Banjara, R/o Village Gadaghat, Tahsil- Bagbahra, District Mahasamund, Chhattisgarh

---- Respondents

Shri Hemant Kesharwani, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State / respondents 1 to 3 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/03/2017

The petitioner has filed this petition apprehending demolition and dispossession.

2. Learned counsel for the petitioner submits that the Collector, vide order dated 09/01/2017, directed the Tahsildar to decide the matter on merits after hearing both the parties. The petitioner was not afforded proper opportunity of hearing and without decision, by application of mind to the records available with him, a direction was issued for removal of alleged unauthorised possession of the petitioner on 27/02/2017, against which, the petitioner preferred a revision before the Collector, but the Collector adjourned the case on 01/03/2017 for arguments on 03/03/2017. It is stated that on 03/03/2017 also, the revision was not heard and application for stay was also not considered.

3. Learned State counsel points out from the order sheet on 27/02/2017, there is nothing to show that the petitioner had appeared before the Tahsildar.

4. Be that as it may, since the petitioner has filed revision and has also moved application for stay, the revisional authority should hear the stay application at the earliest. Petitioner's application for stay shall be considered and decided by the revisional authority on the date fixed for hearing one way or the other.

5. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge