

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WP227 No. 776 of 2015**

1. Smt. Veena Pani, aged 42 years, W/o Jaiprakash Sharma,
2. Smt. Pushpa, aged 40 years, W/o Yogendra Shukla
3. Shanti Lata, Aged 35 years, D/o R.R. Dubey

All R/o Akaltari Bada, Naya Sarkanda, Bilaspur through Power of Attorney Holder Shri Jaiprakash Sharma, Aged 52 years, S/o Ramkhilawan Samdariya Akaltari Bada, Naya Sarkanda, Bilaspur (CG)

**---- Petitioners**

**Versus**

1. Chandrika Prasad Sharma, 60 years, S/o Ramadhin Sharma
2. Santosh Kumar, aged 40 years, S/o Ramdhin,

Both R/o Village Seepat PC No.28, R.I. Seepat, Tahsil-Seepat, Dist-t. Bilaspur (CG)

**---- Respondents**

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| For Petitioners | : | Mr. Shree Kumar Agrawal, Senior Advocate<br>with Mr. M.K. Bhaduri, Advocate |
| For Respondents | : | Mr. Upendra Bharat, Advocate                                                |

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

**Order on Board**

**09/08/2017**

1. By way of this writ petition under Article 227 of the Constitution of India, the petitioners call in question order dated 24.7.2015 (Annexure P/5) passed by the Board of Revenue in Revenue Review Case No. R.W./02/R/A-6/40/2010, whereby the Board of Revenue has rejected the review petition filed by the petitioners.

2. Mr.Shree Kumar Agrawal, learned Senior Counsel along with Mr.M.K.Bhaduri, learned counsel appearing for the petitioners, would submit that review petition filed by the petitioners has been rejected by the Board of Revenue on the ground that copy of final decree has not been shown or produced by the petitioners before it, therefore, he is unable to appreciate the point raised by the petitioners.
3. On the other hand, Mr.Upendra Bharat, learned counsel appearing for the respondents, would oppose the writ petition.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. The Board of Revenue has rejected the review petition filed by the petitioners merely on the ground that copy of final decree has not been produced before it, whereas in the review petition the Board of Revenue could have called the record of Naib Tahsildar to find out whether there is final decree or not, but without examining the original record he has passed the order. The approach adopted by the Board of Revenue is very casual. He could have called the record in which copy of final decree is said to have been filed. The order passed by the Board of Revenue cannot be sustained.

6. Accordingly, the impugned order dated 24.7.2015 (Annexure P/5) passed by the Board of Revenue in Revenue Review Case No.R.W./02/R/A-6/40/2010 is set aside. The Board of Revenue is directed to call for record of Naib-Tahsildar and other revenue authorities in which final decree is said to have been filed by the parties if copy is not filed by the parties and thereafter to proceed with the review petition strictly in accordance with law expeditiously.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)  
Judge

B/-