

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.503 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

For Petitioner	:	Mr.Manoj Paranjape and Mr.Prasoon Agrawal, Advocate
For Respondent	:	Mr.Shivendu Bhardwaj, Advocate

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 20.4.2017 passed by the Board of Revenue, whereby the Board of Revenue has quashed the proceedings pending before the Tahsildar, Dharamjaigarh in respect of the land bearing Kh.Nos.667, 668 and 669 situated at Ward No.4, Turrapara, Dharamjaigarh.
2. Mr.Manoj Paranjape, learned counsel appearing for the petitioner, would submit that this court by order dated 21.9.2015 directed the Sub Divisional Officer to decide the petitioner's application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter called as "Code") on own merits, but the Sub Divisional Officer, Dharamjaigarh

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directed the matter to be placed before the Tahsildar, Dharamjaigarh for hearing and disposal in accordance with law. That order has been challenged before the Board of Revenue and the Board of Revenue relied upon the order dated 7.10.2016 has set aside the order dated 17.3.2017 passed by the Sub Divisional Officer, Dharamjaigarh, which 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 fact remains that the Board of Revenue by order dated 7.10.2016 has aside the order dated 17.1.2014 passed by the Sub-Divisional Officer, Dharamjaigarh which related to initiation of contempt proceeding against the respondent. Application under Section 250 of the Code has still not been considered and decided on merits. Therefore, the Board of Revenue has committed legal error in setting aside the order dated 17.3.2017 passed by the Sub-Divisional Officer, Dharamjaigarh remanding the matter to the Tahsildar for disposal in accordance with law.
- 6.** As a fallout and consequence of the afore-stated discussion, the impugned order dated 20.4.2017 passed by the Board of Revenue is hereby set aside. Matter is remanded back to the

Tahsildar, Dharamjaigarh for hearing and disposal of the application under Section 250 of the Code preferred by the petitioner on its own merit. Such an application will be decided by the Tahsildar, Dharamjaigarh within a period of three months from the date of receipt of copy of this order.

7. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-