

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2697 of 2017**

Smt. Prabhadevi W/o Shrawan Kumar Sahu R/o Bijapur District Bijapur
Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary Revenue And Disaster Management Department Mahanadi Bhawan Mantralaya New Raipur Chhattisgarh.
2. The Board Of Revenue Chhattisgarh, Circuit Court Jagdalpur District Bastar Chhattisgarh.
3. The Commissioner, Bastar Division Jagdalpur District Bastar Chhattisgarh.
4. The Collector, Jagdalpur District Bastar Chhattisgarh.
5. The Sub Divisional Officer (Revenue) , Bijapur District Bijapur Chhattisgarh.
6. The Tahsildar, Bijapur District Bijapur Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Vikash A. Shrivastava, Advocate.
For Respondents/State	:	Mr. Arvind Dubey, P.L. for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/10/2017**

1. Learned counsel appearing on behalf of the petitioner would submit that the impugned order dated 28.03.2017 passed by the Board of Revenue affirming the order of the Commissioner, Bastar Division dated 29.07.2013 and further affirming the order of the Collector, Bijapur dated 12.01.2012 is unsustainable and bad in law and is liable to be set aside.
2. On the other hand, learned State counsel would support the impugned order.

3. I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.
4. The Board of Revenue has recorded a finding that the Khasra No. 182/2 area 11.78 acre land situated at Bijapur has already been reserved for block development on government lease and is accordingly recorded in the revenue records. The Tahsildar, Bijapur has granted patta of land of 0.03 acre vide order dated 17.12.2007 to the petitioner which has been set aside by the Collector, Bijapur vide order dated 12.01.2012 in *suo-moto* jurisdictional revision and directed a sum of Rs.1,34,068/- to be recovered from the petitioner as rent of land. Since the land has already been granted on lease in favour of the government department, it could not have been settled in favour of the petitioner. The order of the Collector, Bijapur has rightly been affirmed by the Commissioner and subsequently by the Board of Revenue. But the part of the order imposing penalty of Rs. 1,34,068/- to be recovered from the petitioner deserves to be set aside as the petitioner was in possession of the said land in pursuance of the settlement made by the Tahsildar, Bijapur. Therefore, the order of the Collector, Bijapur as affirmed by the Commissioner and Board of Revenue directing recovery of Rs.1,34,068/- from the petitioner is set aside and the orders are accordingly modified.
5. The writ petition is allowed to the extent indicated herein above. However, the Revenue Authority shall consider petitioner's prayer for allotment of alternative land to some other place expeditiously.

SD/-
(Sanjay K. Agrawal)
Judge