NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.3382 of 2007

1. Mansai, S/o Duraru Ram Muriya, aged about 72 years.
2. Ghasiya, S/o Mada Muriya, aged about 62 years.
3. Dasuru, S/o Mada Muriya, aged about 57 years.
4. Suklu, S/o Dansai Muriya, aged about 72 years.
5. Sukman, S/o Dan Sai Muriya, aged about 42 years.

All are R/o Village Dawde, Tahsil Pharasgaon, District Bastar (CG)

Note :- Danu Ram, S/o Duraru Ram died on 19-7-2003.

(Non-applicants)
---- Petitioners

Versus

1. Board of Revenue, through its President, Circuit Court at Jagdalpur, District Bastar (CG)
2. Budhram, S/o Nadi Muriya, aged about 69 years.
3. Itwaru, S/o Shri Ramu Muriya, aged about 47 years.
4. Batas, S/o Shri Wade Muriya, aged about 57 years.

All are R/o Village Dawde, Tahsil Pharasgaon, District Bastar (CG)

(Applicants)
---- Respondents

For Petitioners:	Mr. B.D. Guru, Advocate.
For Respondents No.2 and 3:	Mr. D.N. Prajapati, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/07/2017

1. Respondents Budhram, Itwaru and Batas withdrawn their appeal before the Commissioner, Bastar Division, Jagdalpur on 8-1-1998. Thereafter, their legal representatives Mangluram and others filed review application before the Commissioner and the said application was decided on 24-9-1998 and the said review application was

dismissed. Thereafter, they preferred revision under Section 50 of the Chhattisgarh Land Revenue Code, 1959 before the Board of Revenue and the Board of Revenue by its impugned order condoned the delay of eight years in filing the revision petition against which this petition has been preferred.

2. Learned counsel for the petitioners submits that delay of eight years has been directed to be condoned, but the revision has not been considered on its merit and the petitioners' objection has not been considered properly.
3. Learned counsel for respondents No.2 and 3 would support the impugned order.
4. A careful perusal would show that though the Board of Revenue has condoned the delay of eight years in filing revision, but proper facts particularly, filing of review petition and facts pleaded by the present petitioners have not been considered and decided as to whether there is sufficient cause for delay of eight years i.e. from 8-1-1998 to 10-2-2006 why the respondents could not prefer review petition. The order passed by the Board of Revenue condoning the delay is unreasoned and non-speaking and did not clearly set out what was the sufficient cause which persuaded the Board of Revenue to condone the delay.
5. In view of the above, the impugned order dated 26-4-2007 is hereby set aside. The Board of Revenue shall decide the application for condonation of delay afresh and take decision by a reasoned and speaking order, in accordance with law expeditiously.
6. The petition is allowed to the extent sketched herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma