

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (C) No. 1802 of 2016**

Kailash Agrawal, S/o. Vasudev Agrawal, aged about 40 years, R/o. Baikunthpur, Raigarh, Post Baikunthpur, P.S. City Kotwali, Civil and Revenue District Raigarh (C.G.)

---- Petitioner**Versus**

1. Pradeep Gupta, S/o Shughan Gupta, aged about 60 years, R/o. Village Tamnar, Tahsil Tamnar, Police Station and Post Tamnar, Civil and Revenue District Raigarh (C.G.)
2. Manju Gupta, W/o Pradeep Gupta, aged about 55 years, R/o. Village Tamnar, Tahsil Tamnar, Police Station and Post Tamnar, Civil and Revenue District Raigarh (C.G.)
3. Collector, Raigarh, District Raigarh (C.G.)
4. Tahsildar, Raigarh, District Raigarh (C.G.)

---- Respondents

For Petitioner : Mr. Manoj Paranjpe, Advocate.
 For Respondents No. 1 & 2: Mr. Goutam Khetrapal, Advocate.
 For Respondents No. 3 & 4: Mr. Ashish Surana, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/07/2017**

(1) The petitioner preferred revision against the order of demarcation along with application for condonation of delay before the Collector.

(2) Learned Collector, by order dated 12.09.2013, dismissed the application for condonation of delay and consequently dismissed the revision holding that the petitioner was present on 8.10.2012 at the time of demarcation. Petitioner preferred

revision there-against before the Board of Revenue, Bilaspur. The Board of Revenue, dismissed the revision filed by the petitioner by affirming the order of Collector.

(3) Counsel for the petitioner would submit that on 8.10.2012, the petitioner had signed panchnama and no demarcation was made on that day and, thereafter on 10.10.2012 demarcation report was prepared behind the back of petitioner and he came to know about that order on 17.06.2013, he immediately preferred revision on 18.07.2013 along with application for condonation of delay in filing the same, which was within the period of limitation and, therefore, Board of Revenue ought to have condoned the delay and heard the revision on merits.

(4) Learned counsel for the petitioner would support the impugned order.

(5) I have heard learned counsel appearing for the parties and perused the order impugned order with utmost circumspection.

(6) It is specific case of the petitioner that on 8.10.2012, the petitioner had only signed panchnama and on that day no demarcation was made and, thereafter on 10.10.2012 demarcation report was prepared behind the back of petitioner and when he came to know about the same on 17.06.2013, he immediately preferred revision on 18.07.2013 along with application for condonation of delay in filing the same, as such, this court is of the opinion the order of Board of Revenue as well as Additional Collector is liable to be set aside.

(7) Accordingly, the writ petition is allowed. Order dated 4.6.2015 passed by Board of Revenue as well as order dated 12.09.2013 is set aside. Delay in filing the revision is condoned. The matter is remitted back to Board of Revenue, Bilaspur for hearing and disposal of the said revision strictly in accordance with law expeditiously preferably within a period of three months from the date of receipt of copy of this order after hearing both the parties.

(8) It is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-

(Sanja K. Agrawal)
Judge

D/-