

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1198 of 2017

1. Bhanuprasad S/o Bhanwar Singh, Aged About 68 Years Caste Satnami R/o Village Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)
2. Basant Kumar S/o Bhanuprasad, Aged About 38 Years Caste Satnami R/o Village Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)
3. Sushil Kumar S/o Bhanuprasad, Aged About 35 Years Caste Satnami R/o Village Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)
4. Vinod Kumar S/o Bhanuprasad, Aged About 33 Years Caste Satnami R/o Village Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)
5. Ashok Kumar S/o Bhanuprasad, Aged About 31 Years Caste Satnami R/o Village Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)

---- Petitioners

Versus

Sher Singh S/o Bhanwar Singh, Aged About 51 Years Caste Satnami, R/o Khairwarkhurd, Tahsil Lormi, District Mungeli (Chhattisgarh)

---- Respondents

For Petitioners : Shri Anand Shukla, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/04/2017

Heard on admission.

1. This petition under Article 226 of the Constitution of India is preferred against the order of the Board of Revenue.
2. Learned counsel for the petitioners submits that the petitioners have been raising constructions not beyond the extent of their own land situated in Kh No.104/1 and 104/3 which was duly appreciated by the Tahsildar after taking into consideration the spot inspection report of the revenue officer. He submits that this report has been doubted by the Board of Revenue on the reasoning that the report does not contain the signature of the respondent and that he was not properly noticed at the time of preparation of sport inspection report.

3. The Board of Revenue, after due consideration of the material on record, has recorded a finding of fact that the report on the basis of which the application of respondent was rejected does not bear signature of respondent nor he was properly noticed nor any evidence was recorded and therefore on this circumstance, the Board of Revenue thought it just and proper in the interest of justice that a fresh demarcation report be prepared in the presence of all the parties. I do not find that the order either suffers from any defect in decision making process, perversity or absence of jurisdiction. The order of the Board of Revenue only directs a fresh report to be obtained, which would only be proper for both the parties who are related to each other.
4. Therefore, no case is made out for issuance of writ of certiorari in favour of the petitioners. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge