NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (C) No. 1023 of 2016

Ku. Payal Jain, D/o Shri Ramesh Kumar Jain, aged about 28 years, R/o Navkar Parisar, Near Pulgaon nala, Durg, Tahsil and District Durg (C.G.)

---- Petitioner

Versus

1. M/s Riddihi-Siddhi Builders, through Farm partner – Sajal Jain, S/o Devendra Jain, R/o Jai Anand Parisar, 2nd Floor, Jain Gali, Durg, Tahsil and District Durg (C.G.)

2. Kantilal Bothra, S/o Shri Mulchand Bhothra, aged about 48 years, R/o House No. 9/16, Risabh Nagar, behind District Office, Durg, Tahsil and District Durg (C.G.)

3. State of Chhattisgarh, through Collector, Durg, District Durg (C.G.)

4. Nagar Palik Nigam, Durg Through – Commissioner, Nagar Palik Nigam, Utai Road, Durg, District Durg (C.G.)

---- Respondents

For Petitioner	:	Mr. H.B. Agrawal, Senior Advocate with Smt. Prabha Sharma, Advocate.
For Respondents No. 1 & 2	:	Mr. B.P. Sharma, Advocate.
For Respondent No. 3	:	Mr. Arvind Dubey, Panel Lawyer.
For Respondent No. 4	:	Mr. Satish Gupta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/09/2017

(1) By the impugned order dated 2.3.2016, the revision preferred by respondent No. 1 has been partly allowed and the matter is remitted back to the Sub Divisional Officer (Revenue) for making spot inspection and pass a fresh order on its own merits.

(2) Learned counsel for the petitioner would submit that spot inspection has already been done and, therefore, the Board of Revenue ought to have passed final order on merits in accordance with law.

(3) Per contra, counsel for respondent No.1 would submit that the order impugned is strictly in accordance with law and no diversion has been taken place.

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

(5) Be that as it may, the Board of Revenue has not decided the matter on its own merits and simply directed for making spot inspection; in fact the Board of Revenue could have called the inspection report, if any, from the Sub Divisional Officer (Revenue) and, thereafter, could have decided the matter on its own merits and, therefore, it is directed that Board of Revenue shall consider and decide the matter afresh after summoning the inspection report from the S.D.O. (Revenue) expeditiously preferably within a period of three months from the date of receipt of certified copy of this order after giving due opportunity of hearing to the parties. Impugned order is set aside.

(6) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-