

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 254 of 2005**

1. (A) Vimla Bai, aged about 55 years, D/o Late Lalji
- (B) Ashok Kumar, aged about 53 years, S/o Late Lalji
- (C) Indre Bai, aged about 51 years, D/o late Lalji
- (D) Ishu Kumar Kurre, aged bout 43 years, S/o late Lalji
- (E) Firoj Bai, aged about 40 years, D/o late Lalji
- (F) Santosh Kumar, aged about 38 years, S/o late Lalji
- (G) Sunil Bail, aged about 36 years, D/o late Lalji
- (H) Shani Kumar, aged about 34 years, S/o late Lalji
- (I) Mani, aged about 30 years, S/o late Lalji
- (J) Ashwani, aged about 28 years, D/o late Lalji
- (H)Hitkumari, aged about 26 years, D/o Late Lalji
- (I) Bedin, aged about 24 years, D/o Late Lalji
- (J) Nirmal Kumar, aged about 22 years, S/o late Lalji

All resident of village Bhauw Kapa, P.O. Bharai, Tahsil Takhatpur,
District Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through District Collector, Bilaspur, Bilaspur, Distt. C.G. State.
2. Sub – Divisional Officer, Kota, Bilaspur, Distt. C.G. State.
3. Lathel, S/o Rikhiya, Village Bhouvakappa, Thakatpur, Tahsil Bilaspur, Distt Bilaspur, C.G. State.

---- Respondents

For Petitioner : Shri Ram Kumar Tiwari, Advocate.
 For Respondents No. 1 & 2: Shri Ratan Pusty, Govt. Advocate.
 For Respondent No. 3 : Shri Rahul Mishra, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/01/2018

(1) Learned counsel appearing for the petitioners would submit that the petitioner's appeal under Section 8 of the Samaj Ke Kamjor Vargon Ke Krishi Bhumi Dharkon Ka Udhar Dene Walon Ke Bhumi Hadapne Sambandhi Kuchakron Se Paritran Tatha Mukti Adhiniyam, 1976 (henceforth "Adhiniyam, 1976") has been dismissed without considering the grounds raised in the appeal and unreasoned and non-speaking order has been passed.

(2) On the other hand, counsel for the respondents would support the impugned order.

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(4) In the first round; the respondent No. 1- Collector has allowed the appeal and remanded the matter to the Sub Divisional Officer (Revenue) for passing orders on 10 points mentioned in the order. This time, SDO passed an order on the 10 points, but on appeal being preferred by the petitioner, the Collector has simply stated the facts of the case in the order impugned and dismissed the appeal, which cannot be approved, learned Collector ought to have dealt with the contentions the petitioners. According to the petitioners, application filed under Section 5 of the Adhiniyam, 1976 was barred by limitation, as such, application was not cognizable, all the submissions have been recorded in the impugned order

but none of the grounds have been dealt with on merits while dismissing the appeal. Therefore, the impugned order dated 30.11.2004 is liable to be and is hereby set aside. The matter is remitted back to the Additional Collector for hearing and disposal in accordance with law after hearing the affected parties and for passing reasoned and speaking order expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

(5) The writ petition is allowed to the extent indicated hereinabove. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

