

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 113 of 2018

1. Smt. Kaushilya Bai, W/o. Late Bachan Pandey, Aged About 83 Years.
2. Asha Devi, D/o. Bachan Pandey, Aged About 53 Years.
3. Sharda Devi, D/o. Bachan Pandey, Aged About 47 Years.

All are R/o. Lakhanpur, Near Bus Stand, Police Station Lakhanpur, Tahsil Lakhanpur, District Surguja Chhattisgarh.

---- Petitioners

Versus

1. Kailash Choudhari, S/o. Shri Baijnath Choudhari, Aged About 43 Years, R/o. Lakhanpur, Tahsil Lakhanpur, District Surguja Chhattisgarh.
2. Commissioner, Surguja Division Ambikapur, District Surguja, Chhattisgarh.
3. Sub - Divisional Officer (Revenue), Udaipur, District Surguja, Chhattisgarh.
4. Tahsildar, Lakhanpur, District Surguja, Chhattisgarh.

---- Respondents

For Petitioners : Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.02.2018

Heard

1. Learned counsel for the petitioner submits that on the preliminary hearing on 08.01.2018 while hearing the Revenue Appeal No.132/B-121/2017-18 a stay order was passed in favour of the petitioner/appellant and the case was fixed for hearing on 12.02.2018. Subsequently, in the intervening dated on 22.01.2018 the respondent filed an application for urgent hearing and without giving any opportunity of hearing, on urgent hearing application, the stay granted in favour of the petitioner was vacated. Therefore, such order cannot be sustained as it was passed behind the back of the petitioner.
2. Perused the order dated 08.01.2018 and 22.01.2018. The order dated 08.01.2018 reflects that stay order was granted whereby the

effect and operation of the order dated 04.08.2017 was stayed and the original record was called for. Subsequently, the order sheet dated 22.01.2018 would show that on an urgent hearing application without presence of the petitioner, stay was vacated and again the case was fixed for 22.02.2018.

3. Perusal of the order dated 22.01.2018 would show the case was heard behind the back without giving an opportunity of hearing to the petitioner. Considering the same, the order dated 22.01.2018, which appears to be passed without any hearing at the back of the petitioner is blatantly illegal and it cannot be sustained under the law. Therefore, the order dated 22.01.2018 is quashed.
4. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge