

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 493 of 2018**

- Ratan Bai W/o Dr. Shobha Chand Begani, Aged About 80 Years R/o Sadar Bazar, Raipur, Tahsil and District Raipur (Chhattisgarh)

---- Appellant**Versus**

1. State of Chhattisgarh Through The Collector, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chhattisgarh Board of Revenue, Bilaspur Circuit Court, Raipur, Through The Registrar, Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Manoj Paranjpe, Advocate
For Respondents/State	:	Shri U.N.S. Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Prashant Kumar Mishra****Order on Board****Per, Ajay Kumar Tripathi, Chief Justice****24.07.2018**

1. Heard on I.A. No.01 of 2018, application for condonation of delay of 246 days in filing the appeal.
2. For the reasons mentioned in I.A. No.01 of 2018, the same is allowed and delay is condoned.
3. Irrespective of the finding which has been given by the learned Single Judge in the order dated 14.07.2017 passed in Writ Petition (227) No. 5940 of 2010, counsel for the Appellant accepts the position that under Section 57(3) of the Chhattisgarh Land Revenue Code, remedy for the Petitioner would lie before a Civil Court of competent jurisdiction and to that extent even a revision before the Member, Board of Revenue would not be maintainable.

4. The writ appeal is dismissed with liberty to the Appellant to move the competent Civil Court for appropriate declaration.
5. Let it be clarified that the finding which has been given by the learned Single Judge while adjudicating the writ application dated 14.07.2017 will not prejudice the trial Court in any manner which has to take an independent view dependant upon the evidence and materials which would be brought before the said Court.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge