HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 561 of 2018

Suresh Chand Jain S/o Late Shri Roop Chand Jain, Aged About 88 Years R/o Village Pendra, Tehsil And Thana Pendra, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Hon'ble Revenue Board, Bilaspur, District Bilaspur, Chhattisgarh.

2. Jakaullah S/o Late Shri Ataullah, Aged about 66 years, R/o Village Pendra, Tehsil And Thana Pendra, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondents

For petitioner - Shri Achyut Tiwari, Advocate.
For State- Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

04/07/2018

Heard.

1. Instant petition is against the order dated 19/04/2018 whereby revision preferred by the petitioner was dismissed summarily by the Revenue Board.

2. Learned counsel for the petitioner submits that against order dated 4/10/2017 one revision was filed by the petitioner and another by respondent No.2 Jakaullah. It is stated that in both the revisions prayer and the line of argument are entirely different as the petitioner has challenged the order of Commissioner on different grounds which has no nexus with the ground taken by respondent No.2, therefore said revision filed by the petitioner cannot be thrown away summarily, order is completely absurd and he submits that therefore Revenue Board may be directed to hear both the cases simultaneously i.e. revision filed by the petitioner and also revision filed by respondent No.2.

3. Perused the order dated 19/04/2018. Perusal of the order shows that Revenue Board has dismissed the revision preferred by the petitioner only on the ground that respondent has also preferred a revision against the same order which is pending bearing No. आर.एन./02/आर/अ–70/298/2018 which is captioned as Jakaullah Vs. Suresh Chand. The dismissal of the revision on the ground that since one revision is pending against the same order, revision cannot be dismissed in the like nature as the petitioner shall have all different grounds and right to address and make submission on the ground urged in the revision which cannot be amalgamated and be made dependent at the mercy of the respondent. Order of the Revenue Board is completely misconceived which cannot be sustained.

4. In the result, order dated 19/04/2018 is set aside. Revision of the petitioner bearing case No. आर.एन./02/आर/अ–70/255/2017 Suresh Chand Jain Vs. Jakaullah before the Revenue Board is restored. It is directed to be heard alongwith the revision filed by Jakaullah bearing No. आर.एन./02/आर/अ–70/298/2018. Considering the age of the petitioner who is shown to be 88 years the Revenue Board is directed to decide the case of the petitioner within a further period of two months from the date of receipt of the copy of this order.

5. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

gouri