

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2163 of 2018**

1. Dhanesh Dewangan S/o Shri Rajendra Dewangan Aged About 45 Years R/o Village Kharora, Police Station- Kharora, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Board Board Of Revenue, Chhattisgarh, Bilaspur, Chhattisgarh.
3. The Additional Commissioner, Raipur Division Raipur, Chhattisgarh.
4. The Sub Divisional Officer (Revenue), Raipur, District Raipur, Chhattisgarh.
5. The Naib Tahsildar, Kharora, District Raipur, Chhattisgarh.
6. Santosh Kumar Gupta S/o S/o Nandkishore Gupta R/o Village Kharora, Police Station- Kharora, District Raipur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri K.K. Dewangan, Advocate
Shri Y.S. Thakur, Addl. Adv. General

Order On Board**By****Prashant Kumar Mishra, J.****12/11/2018**

1. Challenge in this petition is to the order passed by the Board of Revenue on 13-9-2017 dismissing the revision application of the petitioner, which was preferred against the order passed by the Additional Commissioner, Raipur Division, Raipur, on 30-3-2017 (Annexure – P/8).

2. Petitioner's application under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (henceforth 'the Code') was dismissed by the Naib Tahsildar, Kharora, on 24-8-2011 on the ground that without there being any demarcation of the land owned by the petitioner application under Section 250 of the Code cannot be considered. This order of Naib Tahsildar was set aside by the Sub Divisional Officer (Revenue), Raipur, on 16-5-2013 against which the respondent No.6 moved before the Additional Commissioner. The Additional Commissioner allowed the appeal preferred by the respondent No.6 on 30-3-2017 to set aside the order passed by the SDO and to affirm the order passed by the Naib Tahsildar.
3. Learned counsel appearing for the petitioner would submit that the Board of Revenue should have admitted the revision application and decided the same on merits after hearing the parties because the Naib Tahsildar had rejected the application under Section 250 of the Code on technical ground.
4. Having heard learned counsel appearing for the parties, I do not find any substance in the writ petition. The Naib Tahsildar rightly observed that without the factum of encroachment by the respondent No.6 having been, *prima facie*, established by making demarcation of the land owned by the petitioner the application under Section 250 of the Code could not be processed.
5. In the result, the writ petition, being bereft of merit, is liable to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Gowri