

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 2647 of 2018**

- Sukhlal S/o Basant Sahu, Aged About 60 Years R/o Village Kailashpur, Tahsil Ramanujganj, District Surajpur, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Revenue Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Board Of Revenue, Through The President Bilaspur, District Bilaspur Chhattisgarh
3. Collector, Surajpur, District Surajpur Chhattisgarh
4. Additional Collector Surguja, District Surguja Chhattisgarh
5. Tahsildar Ramanujnagar, District Surajpur Chhattisgarh
6. Biranchi Lal, S/o Ramnarayan, aged about        years, R/o Kailashpur, Tahsil Ramanujnagar, District Surajpur Chhattisgarh

**---- Respondents**

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|----------------------|----------------------------|
| For Petitioner       | Shri Atanu Ghosh, Advocate |
| For Respondent-State | Shri Rajendra Tripathi, PL |

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**Hon'ble Justice Mr. Prashant Kumar Mishra**

**Order On Board**

**26/09/2018**

1. The proceedings under Section 178 of the Chhattisgarh Land Revenue Code, 1959 for partition of the agricultural holdings are pending before the Tehsildar, Ramanujnagar, District Surajpur. The Tehsildar stayed the proceedings enabling the parties to prefer a suit because on an objection raised by the petitioner, the Tehsildar observed that there exists dispute of title between the

parties. It is this order which has eventually been vacated by the Board of Revenue by its impugned order dated 03.04.2018 and thus the proceedings before the Tehsildar have been continued.

2. It appears, the petitioner is raising question of title before the Revenue Board, therefore, either of the party, including the petitioner, could have preferred a suit seeking declaration of title to the extent of his share or exclusive ownership over the property.
3. Let the petitioner prefer a suit within a period of 3 months along with an application for grant of temporary injunction. For a period of 4 months from today or till the petitioner's application under Order 39 Rule 1 & 2 of CPC is taken up for consideration, whichever is earlier, the party shall maintain status quo in respect of the suit property. This order of status quo shall lose its efficacy immediately after expiry of 4 months.
4. The writ petition stands disposed of.

Sd/-  
Prashant Kumar Mishra  
Judge

Nirala