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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 30 of 2019

Mohan Lal Lodhi S/o Late Jhaduram Aged About 56 Years R/o Village Jhurandi Gram Panchayat Jhurandi Tahsil And Police Station Chhuikhadan District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Revenue Department New Mantralaya New Raipur Chhattisgarh (Respondent No.1)
2. Tehsildar, Chhuikhadan, District Rajnandgaon Chhattisgarh (Respondent No. 2)
3. Collector Rajnandgaon District Rajnandgaon Chhattisgarh (Respondent No. 3)
4. Ganesh Ram S/o Late Phool Singh Aged About 55 Years Occupation Kotwar R/o Jhurandi Police Station And Tehsil Chhuikhadan District Rajnandgaon Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.
For Respondent No.4	:	Mr. Sunil Kumar Soni, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/03/2019

1. The present review petition has been filed seeking review of the order dated 25.10.2018, which was passed in WPS No. 6944/2018. The said writ petition was filed by Ganesh Ram S/o Late Phool Singh seeking compliance of the order passed on 25.11.2017, passed by the Board of Revenue, Bilaspur in case No. RN/15/R/A-56/36/2010/Village Jhuranadi, Tahsil & District Rajnandgaon (C.G.).

2. The primary contention of the applicant is that the respondent No.4 (the petitioner in the writ petition) has obtained the order dated

25.10.2018 by suppressing material facts from this Court and as such the order needs to be reviewed and recalled. According to the applicant, the petitioner in the writ petition suppressed the fact that after the Revision was allowed by the Board of Revenue on 25.11.2017, the matter was subjudice before the High Court and which was in the knowledge of the petitioner and yet he filed the writ petition suppressing this fact and on oath made a statement before the writ Court that though the Board of Revenue has passed an order on 25.11.2017, the officers of the State Government has not taken steps for compliance of the said order.

3. The review petition now has been filed by the present applicant, who was the defendant No.2 before the Board of Revenue. The applicant in the review petition has brought on record the writ petition, which he had filed i.e. WP(227) No. 18/2018, wherein the petitioner, in the petition against which this review petition has been filed, namely Ganesh Ram S/o Late Phool Singh himself through a lawyer had appeared on caveat and this Court, taking into consideration the entire proceedings, passed the following orders:

> **"Learned counsel for the petitioner submits that the respondent No.1 was removed from the post of Kotwar by the Tehsildar in the year 2005 which was affirmed by the SDO in the year 2006. Subsequently, it was also affirmed by the Additional Commissioner in the year 2010. However, the board of revenue by order dated 25/11/2017 has reversed the order. He submits that the petitioner was appointed as Kotwar on 26/08/2006 and till then he is working and he has not been heard and without any reason, he may be removed.**
>
> **Perused the Section 230 of the C.G. Land Revenue Code which allows the appointing authority to appoint one or more Kotwar for performance of the duties as prescribed under the Land Revenue Code.**

> **Considering the fact that the petitioner is working since 2006, it is directed that the petitioner shall not be removed till the next date of hearing and also till the submission of the State is considered."**

4. What is pertinent to take note of is that the said order was passed by this Court as earlier as on 09.01.2018 and Ganesh Ram S/o Late Phool Singh was duly represented by a lawyer in the said case. Subsequently, the petitioner filed the writ petition before this Court after about 10 months' time i.e. on 09/10.10.2018, which was registered as WPS No. 6944/2018. The petitioner therein in para No.6 of the writ petition has stated that there is no writ petition or suit pending before any Court of law. This contention of the petitioner is absolutely contemptuous and misleading, in as much as there is a total deliberate suppression of fact from the Court.

5. Further, going through the entire contents of the writ petition, also it reveals that in the entire writ petition also, the petitioner has deliberately not mentioned anything in respect of WP(227) No. 18/2018, wherein the order against which he is seeking compliance is already under challenge and there was also an interim protection given to the petitioner therein, who was the respondent before the Board of Revenue.

6. What is also very surprising is that when the order of the Board of Revenue was sought to be complied with, the applicant herein in the review petition was not made a party in the writ petition for reasons best known.

7. All these facts, particularly the material and deliberate suppression of fact by the applicant compels this Court to allow the review petition

and the same is accordingly allowed. The order dated 25.10.2018, passed by this Court in WPS No. 6944/2018 stands recalled and the writ petition also is ordered to be listed for rehearing. List this case for further hearing on 10th of May, 2019.

Sd/-
(P. Sam Koshy)
Judge

Ved