

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 1733 of 2019

Shardakar, S/o. Palau Gond, Aged About 83 Years, R/o. Village Gadlesing,
Tehsil And Police Station Jujemuda, District Suambalpur, Orrisa.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Principal Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Collector Raigarh, District Raigarh, Chhattisgarh.
3. The Sub Divisional Officer (Revenue) Gadhghoda, District Raigarh Chhattisgarh.
4. Sukulmati, Wd/o. Karamsai Kanwar, R/o. Village Baruar, Tehsil Gadhghoda, District Raigarh, Chhattisgarh.
5. Madhusudan, S/o. Prahlad Sodhi, R/o. Village Baruar, Tehsil Gadhghoda, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Rakesh Pandey, Advocate

For State/Respondents : Mr. Ashish Surana, Panel Lawyer
No.1 to 3.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.05.2019

Heard

1. The present petition is filed for the reason that an order was passed by the S.D.O. in exercise of power under Section 170-B of the Chhattisgarh Land Revenue Code on 22.12.1998 whereby it was directed that the land be reverted back to the ab-original tribe i.e. respondent No.4 & 5, Sukulmati & Madhusudan. Subsequently, the appeal was preferred before the Collector by the petitioner and the Collector vide order dated 28.09.1999 reverted back the Revenue Appeal 34/A-23/98-99 to the S.D.O. with a direction to rehear the case after giving opportunity of hearing to the appellant and pass

the order on merits.

2. It is stated that after the order of remand, the same is still undecided till 2019. The petitioner contends that an application was filed under R.T.I. but the same remained un-replied and the original case still remains undecided.
3. Be that as it may, the order of the Collector allowing the appeal was on 28.09.1999 whereby the Collector has remanded back the case to the Court of S.D.O. with a direction that the appellant be given proper opportunity of hearing and reasoned & speaking order be passed. Thereafter, it is stated that the appellant has not been heard so far.
4. In view of the order passed by the Collector dated 28.09.1999, it is directed that the original case of the petitioner shall be decided within a further period of six months. It is further directed that in case the original file is missing then the same may be reconstructed again. The appellant shall appear before the Court of S.D.O. on 24.06.2019, thereafter the S.D.O. shall proceed to decide the same within a further period of six months.
5. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge