

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2340 of 2019

Brahmakumari Bindu D/o R.G. Verma Aged About 41 Years R/o
Brahamakumar Ashram, Near Shani Mandir, Devghog Road,
Gariyaband, District Gariyaband Chhattisgarh. Incharge Of
Prajapati Brahmakumari Ashram, Gariyaband Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Revenue, Mahanadi Bhawan, Raipur Chhattisgarh.
2. The Collector Gariyaband, District Gariyaband Chhattisgarh.
3. Sub Division Officer, Gariyaband, District Gariyaband
Chhattisgarh.
4. Tahsildar Gariyaband, District Gariyaband Chhattisgarh.

--- Respondents

For petitioner-Smt. Astha Shukla, Advocate.
For State- Shri Anand Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/07/2019

Heard.

1. Instant petition is only filed for the reason that eviction order by
the Tahsildar was passed on 10/06/2019 wherein certain part of the
land were directed to get vacated.
2. Learned counsel for the petitioner submits that against that order
appeal has been filed under section 44 of the C.G. Land Revenue
Code on 20/06/2019 and along with that application for stay has also
been preferred. It is stated that application for stay has not been heard
and different dates are being given and in the meanwhile if the
execution of the order of the Tahsildar is carried out, then filing of the
appeal before the SDO would become infructuous. It is therefore

prayed that till appeal is decided on merit by the SDO, eviction order of the Tahsildar may not be carried out.

3. Learned State counsel opposes the prayer made.

4. Perused the documents and order of the eviction by the Tahsildar is dated 10/06/2019. Annexure P-5 shows that appeal has been preferred before the SDO, Gariyaband and along with that stay application has been preferred. Naturally therefore finding of the Tahsildar in the revenue case 01/A-68/2012-13 is subject of challenge before the SDO. Since it is been stated that the stay application is not been heard, it is directed that the SDO shall decide the appeal preferred by the petitioner as early as possible on merit and in the meanwhile the execution for dispossession may not be carried out.

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

Sd/-

(Goutam Bhaduri)

JUDGE