

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2474 of 2019**

- Sripati Singh S/o Late Shri Keshav Singh Aged About 56 Years Caste-Kshatriya, Occupation- Business, R/o Village Near Subhash Chowk, Ramanujnagar, Post, P.S. And Tahsil Ramanujnagar, District- Surajpur, Chhattisgarh.....(Applicant)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Collector Surajpur, Civil And Revenue District- Surajpur, Chhattisgarh
2. Sub Divisional Officer Surajpur, Revenue And Civil District- Surajpur, Chhattisgarh
3. Tehsildar Ramanujanagar, District- Surajpur, Chhattisgarh
4. Saileshwar Singh S/o Late Shri Havaldar Singh Aged About 56 Years Caste-Rajput, Occupation- Business, R/o Village Near Subhash Chowk, Ramanujnagar, Post P.S. And Tehsil Ramanujnagar, District- Surajpur, Chhattisgarh.....(Non-Applciant)

---- Respondents

For Petitioner : Shri Surfraj Khan, Advocate

For Respondents/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/07/2019**

1. Heard.
2. The present petition is filed on the ground that the proceedings under Section 250 of the Chhattisgarh Land Revenue Code, 1959 (hereinafter referred to as the Code, 1959) for restoration of the possession has been filed by the petitioner against the respondent No.4 and despite the notice the Tehsildar,

Ramanujnagar is not deciding the said issue. In the meanwhile, respondent No.4 is erecting the superstructure on the said land.

3. Learned counsel for the petitioner would submit that if such superstructure is completed then in such eventuality the filing of the application under Section 250 of the Code, 1959 would become infructuous. He would further submit that as per sub-section (2-a) of the Section 250 of the Code, 1959, which mandates that after receipt of the reply from the other party, the proceedings shall be continued from day to day unless for reasons to be recorded in writing for a longer adjournment, if it is necessary.
4. The perusal of the documents would show that the proceeding was initiated by the petitioner under Section 250 of the Code, 1959 on 29.12.2018 and the reply was filed on 16.01.2019. As appears that till today, the proceeding has not been concluded despite the 5 – 6 months have already passed. Taking into such fact, as per the mandate of sub-section (2-a) of the Section 250, the Tehsildar is directed to conclude the proceedings within a further period of 30 days from the date of receipt of copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge