

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2786 of 2019**

- Samoj Khan S/o Late Gaffur Khan Aged About 75 Years R/o Village Bhanora, Police Station And Tahsil- Balrampur, District - Balrampur-Ramanujganj (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through -The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur, District - Raipur (Chhattisgarh)
2. The Collector Balrampur, District - Balrampur-Ramanujganj (Chhattisgarh)
3. The Tahsildar Balrampur, District - Balrampur-Ramanujganj (Chhattisgarh)

---- Respondents

For Petitioner : Shri Rakesh Pandey, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/08/2019**

1. Heard.
2. Learned counsel for the petitioner submits that the order dated 02.08.2019 (Annexure P-1) has been passed in exercise of powers under Section 248 of the C.G. Land Revenue Code, 1959 (for short 'the Code 1959'), whereby the petitioner is directed to remove/vacate his possession and fine of Rs.2000 has been imposed. He would further submit that only 6 days time is has been given by the Tehsildar to comply with the aforesaid order. He would further submit that the petitioner though has right to file an appeal but because of the limited

order has been passed such right has been taken away, which defeats the valuable right which is granted under Section 44 of the Code, 1959, therefore, limited prayer has been made to prefer the appeal and seek stay of the order of the Tehsildar so that the order of the eviction may be stayed.

3. Considering the limited prayer made by the petitioner and taking into the facts & circumstances of the case, the petitioner is granted liberty to file appeal within a period of two weeks, if so advised, and may also file an application for stay against the ejectment. Thereafter, the SDO shall decide the appeal, if so preferred by the petitioner along with the application for stay within a reasonable time. Till the application for stay is decided, the petitioner shall not be dispossessed from the subject property.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge