

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3905 of 2019

Chandrahas Kamde S/o Late Jhaduram Aged About 54 Years By Caste Mahar, R/o Village and Post Korra, Tahsil Kurud, District - Dhamtari Chhattisgarh.

--- Petitioner(s)

Versus

1. Smt. Rukhmani Sahu, W/o Banwali Ram Sahu, Sarpanch Gram Panchayat Village And Post Korra, Tahsil Kurud, District - Dhamtari Chhattisgarh.
2. Shivcharan Das Mahant, Sarvarakar, Balaji Mandir Manager, Collector, R/o Village And Post Korra, Tahsil Kurud, District - Dhamtari Chhattisgarh.
3. State of Chhattisgarh Through The Collector, Dhamtari District Dhamtari Chhattisgarh.

---Respondents

For Petitioner	:	Shri R.S. Patel, Advocate
For State	:	Shri Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.11.2019

1. Challenge in this petition is to the order dated 24.09.2019 passed by the Board of Revenue in Revision Case No.RN/04/RA-5/27/2019.
2. The facts of the case is that, the petitioner initially had moved an application for correction of Khasra number before the Tehsildar, Bhakhara, District Dhamtari which was allowed vide order dated 27.04.2010 by the Superintendent, Land Records, Dhamtari. The Superintendent, Land Record has partly allowed the application of the petitioner which led to the petitioner preferring First Appeal before the SDO under Section 44 (1) of the Land Revenue Code. The SDO vide his order dated 21.12.2017 (Annexure P/8) allowed the application and ordered the authorities for amending Khasra number and has also allowed the application to the extent of entering name of the petitioner in the revenue records.

- 3.** This order of the SDO dated 21.12.2017 was subjected to challenge before the Divisional Commissioner by the respondent No.1 under Section 44 (2) of the Land Revenue Code. The Commissioner, vide his order dated 13.02.2019 (Annexure P/10) allowed the appeal of the respondent No.1 and has set aside the order passed by the SDO dated 21.12.2017. This order of the Commissioner was challenged by the petitioner before the Board of Revenue under Section 50 of the Land Revenue Code. The Board of Revenue initially vide its order dated 12.03.2019 granted an exparte interim order to the petitioner directing the parties to maintain status quo. Subsequently, the respondents have entered appearance before the Board of Revenue and the Board of Revenue later on vide order dated 24.09.2019 has vacated the interim order granted on 12.03.2019 and has fixed the revision petition for final hearing on 11.11.2019.
- 4.** Learned counsel for the petitioner submits that, the findings on the basis of which the interim order has been vacated is incorrect to the extent that the order dated 13.02.2019 has never been complied with or till date has not been executed and therefore vacating interim order dated 12.03.2019 was uncalled for. The petitioner makes a submission that even today the order has not been executed and only notices have been issued by the office of the Tehsildar seeking appearance of the parties for execution of the order.
- 5.** Given the aforesaid facts and circumstances of the case, particularly taking note of the fact that the Board of Revenue itself has fixed the case for final hearing on 11.11.2019, this court is of the opinion that ends of justice would meet if the writ petition is disposed of directing the Board of Revenue to decide the revision petition at the earliest and till the revision petition is decided, let status quo as existed prior to 24.09.2019 be

maintained by the parties including the Tehsildar, Bhakhara, District Dhamtari. It is ordered accordingly.

6. It is made clear that this court has not expressed any opinion on the merits of the case so far as revision petition pending before the Board of Revenue is concerned.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder