NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 780 of 2014

- Vijay Mohan Jain, aged about 63 years, S/o Late Dhanna Lal Jain, R/o Cinema Line, Rajnandgaon, Civil And Revenue Distt Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Nazul Officer, Rajnandgaon
2. Radhe Shyam Gupta S/o Lt Bhajan Lal Gupta Aged About 64 Years
3. Radhe Krishna Gupta S/o Lt Bhajan Lal Gupta Aged About 61 Years,

   No.2 and 3 both R/o Cinema Line, Rajnandgaon, Civil and Revenue District Rajnandgaon (C.G.)
4. Board Of Revenue Chhattisgarh, Through its Chairman, Board Of Revenue, Chhattisgarh, Circuit Court, Raipur (C.G.)
5. Commissioner Raipur Division, Raipur (C.G.)
6. The Collector, Distt Rajnandgaon (C.G.)

---- Respondents

For the petitioner	:	Shri Abhijeet Mishra, Adv.
For respondent-State	:	Shri Sudeep Verma, Dy. G. A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06.03.2020

1. Heard.
2. This petition has been filed aggrieved by the order dated 14.07.2014 by which the memo of revision filed by the petitioner side, was dismissed on ground of limitation.
3. It is submitted that the petitioner was aggrieved by the order dated 22.10.2011 passed by Commissioner, Raipur.
4. The application for the certified copy was filed by the petitioner side on

26.11.2011, the date for supply of copy was given 07.12.2011 however the petitioner could not appear and collect the certified copy because of certain reasons and the obtained copy on 04.01.2012.

5. Subsequent to that, petitioner consulted the counsel, the drafting of revision petition was done and it was filed on 01.02.2012.

6. It is submitted, that in fact there had been delay of only one day and for the same application was filed under Section 5 of Limitation Act making a prayer for condonation of delay. The learned Board has without appreciating the facts and circumstances and cause of delay as occurred, has dismissed the application under Section 5 of the Limitation Act and also the revision petition in arbitrary manner. It is prayed for interference be made.

7. State counsel opposing the submission submits that the petitioner was required to give day to day explanation of the delay and also had to explain why he has not appeared before the authority for receiving the certified copy on time, therefore the learned Board has rightly passed the order of no interference.

8. The respondents are served with notices but there is no apperance on behalf of them.

9. On perusal of the documents available along with petition it is found that the there had been an appeal after the order dated 22.10.2011. revision petition has been filed on 103rd day therefore these appears to be delay of 13 days. On excluding time for obtaining the certified copy for which the application was filed on 26.11.2011 and the date given for collection was 07.12.2011 i.e. another 12 days the delay remains only one day.

10. It appears that the learned Board has taken a hyper technical

approach in dismissing the revision petition on ground of limitaton which was delayed by only one day and further the learned Board also has not taken into consideration the time lapsed in the process of obtaining the certified copy, therefore, the impugned order needs interference.

11. This petition is allowed. The impugned order is set aside. The revision petition before the learned Board of revenue C.G. is restored and it is directed that the revision petition be heard and decided in accordance with law.

12. Petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Parul