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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 378 of 2020

Krishnanand Pandey, S/o. Mukund Prasad Pandey, aged about 46 years, Tahsil Kawardha, District Kabirdham, Chhattisgarh, (Wrongly Mention as Krishnanand S/o Mukund Sharma in the Annexure P/1 & P/2).

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Collector Kawardha, District Kabirdham, Chhattisgarh
2. Sub Divisional Officer Kawardha, District Kabirdham, Chhattisgarh
3. Tahsildar Kawardha, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Vivek Kumar Tripathi, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2020

1. This petition under Article 227 of the Constitution of India has been brought challenging the order dated 12.06.2020, passed by the Tahsildar, Kawardha, District – Kabirdham in Revenue Case No.5A/68/2019-20.
2. It is submitted by the learned counsel for the petitioner that during the lock-down period, the Tahsildar, Kawardha has in the proceeding under Section 248 of the C.G. Land Revenue Code without giving any opportunity of hearing to the petitioner, passed the impugned order of

eviction from the disputed property. The petitioner filed an appeal before the Sub-Divisional Officer, Kawardha but the same was not heard and kept pending because of which, this petition has been filed. Hence, the impugned order be interfered with and the petitioner be granted relief.

3. State counsel submits that remedy of appeal was available to the petitioner, which he has availed and filed the appeal, therefore, the present petition is not maintainable.
4. I have heard the learned counsel for the parties.
5. After hearing the submissions made, the petition is disposed off at motion stage. The respondent No.2 is directed to consider and decide the appeal filed by the petitioner within a period of one month from the date of communication of this order after giving opportunity of hearing to the petitioner.
6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge