

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 118 of 2020

1. Ali Ahmad, S/o Late Amanullaha, Aged About 40 Years, R/o. Masjidpara, Surajpur, District Surajpur Chhattisgarh.....Respondent No. 7
2. Javed Ahmad, S/o Late Nisar Ahmad, Aged About 39 Years, R/o Mandi Road Surajpur, Tahsil Surajpur District Surajpur Chhattisgarh.....Respondent No. 6

Nisar Ahmad, S/o Late Rahmatullah Has Died At Present Leaving Behind His Son Javed Ahmad, Therefore, Son Of The Nisar Ahmad Namely Javed Ahmad Files The Instant Review Petition On His Behalf

---- Applicants

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.....Respondent No. 1
2. Collector, District Surajpur Chhattisgarh.....Respondent 2
3. Sub Divisional Officer (Revenue) Surajpur, District Surajpur Chhattisgarh.....Respondent No. 3
4. Tahsildar, Tahsil Surajpur, District Surajpur Chhattisgarh.....Respondent No. 4
5. Chief Municipal Officer, Nagar Palika Parishad, Surajpur, District Surajpur Chhattisgarh.....Respondent No. 5
6. Matukdhari, S/o Samaylal, R/o Ward No. 6, Surajpur, District Surajpur Chhattisgarh.....Respondent No. 8
7. Mukesh Kumar Agrawal, S/o Late Rameshwar Das Agrawal, Aged About 40 Years, R/o. Surajpur, P.S. And Tahsil Surajpur Chhattisgarh.....Petitioner

-----Respondents

For Applicants	:	Mr. Govind Dewangan, Advocate
For State/Resp. 1 -5	:	Mr. Mateen Siddiqui, Dy. A.G.
For Respondent 7	:	Mr. C. Jayant K. Rao, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

31.08.2020

1. The present review petition has been filed seeking review of the Order dated 05.02.20020 passed in WPC No. 536 of 2020 (Annexure R-1). The writ petition was disposed off on 05.02.2020 directing the respondents to ensure that the order that was passed on 23.06.2017 to be complied with and honoured in its letter and spirit and appropriate steps in this regard to be taken.
2. Subsequently, the review petitioner (petitioner herein) preferred a Writ Petition No. 989 of 2020 which came up for hearing on 20.03.2020 and this Court had disposed off the writ petition reserving the right of the present petitioner to challenge the order dated 23.06.2017 before the concerned appellate authority in-accordance-with law. The petitioner was also given liberty to move an application before the Tahsildar for recalling the order dated 06.03.2020 on the ground permitting the petitioner to produce before the concerned authorities documents, whereby Municipal Corporation had declared the petitioner eligible for issuance of patta and the petitioner was also granted liberty to move an application for review of the order passed in WPC No. 536 of 2020. This has led to the filing of the present review petition.
3. The counsel for the applicants submits that he has already preferred an appeal before the appellate authority against the order dated 23.06.2017 ie., before the Sub-Divisional Officer (Revenue)-Surajpur, District: Surajpur.
4. Given the fact that the appeal of the petitioner is already pending

consideration before the Sub-Divisional Officer along with application for grant of interim relief it would be more appropriate for the applicant to pursue his remedy /appeal that he has exercised and the appellate authority is expected to take a decision on the said appeal at the earliest. The review petitioner would also be expected to apprise the authorities concerned in-respect-of pursuing his right of appeal before the Sub-Divisional Officer against the order dated 23.06.2017 seeking deferring of the eviction proceedings till the appeal is decided. Admittedly, as of now, the order dated 23.06.2017 still holds the field and it was in this context the Writ Petition no. 536 of 2020 of the petitioner was disposed off. Unless the petitioner gets a favourable order in his favour in his appeal, the order dated 23.06.2017 would remain in force, to be executed.

5. The review petition at this juncture, stands disposed off, directing the review petitioner to pursue his remedy before the Sub-Divisional Officer(Revenue) both on merit as well as on application for grant of interim relief with liberty to also approach the other concerned authorities for deferring the eviction proceedings till the appeal before the Sub-Divisional Officer or interim relief application pending before S.D.O is not decided.
6. With the aforesaid direction and observation, the present review petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge