NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 515 of 2013

- K.A.Papachan S/o Shri K.V.Anthony, Aged About 65 Years, R/o Kirandul, Post and P.S. Kirandul, Dantewada, Distt South Bastar Dantewada, (C.G.), Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Post and P.S. Rakhi, Distt. Raipur (C.G.), Chhattisgarh
2. The Commissioner, Bastar Division, Jagdalpur, Distt. Bastar (C.G.), District : Bastar (Jagdalpur), Chhattisgarh
3. The Collector Jagdalpur, Distt. Bastar (C.G.), District : Bastar(Jagdalpur), Chhattisgarh
4. The Sub Divisional Officer (Rev.) Jagdalpur, Distt. Bastar (C.G.), District : Bastar(Jagdalpur), Chhattisgarh
5. Shri Kalyan S/o Bhukla Ekka, Aged About 66 Years, R/o Kirandul, Post and P.S. Kirandul, Tah. -Dantewada, Distt. South Bastar Dantewada, (C.G.), District : Dantewada, Chhattisgarh

---- Respondents

For Petitioner – Shri Keshav Dewangan, Advocate.

For State/Respondent 1 to 4 – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-11-2020

1. This petition has been brought under Article 227 of the Constitution of India seeking quashment of the order dated 30-11-2012 passed by the Collector and District Magistrate South Bastar Dantewada.

2. It is submitted that the petitioner had made purchase of a landed property from respondent No.5, on the basis of the permission granted by the District Collector. Subsequent to that purchase, the land was mutated in his name and also diverted for non-agricultural use. In the meanwhile, the Commissioner, Bastar Division made review of the order dated 28-04-2005 passed by the District Collector granting permission for purchase of the land in favour of the petitioner and passed the order dated 10-01-2012 by withdrawing the permission granted by the Collector. The petitioner then challenged the

order of the Commissioner before the Revenue Board and the same is pending before the Revenue Board. The revision petition of the petitioner could not be heard as the member of the Board was transferred. Subsequent to which, the Collector has passed the impugned order dated 30-11-2012.

The petitioner has challenged the order of the collector by this writ petition in which he has been granted interim relief by order dated 25-07-2013.

It is submitted that the revision petition before the Revenue Board is still pending, therefore, this petition may be disposed off with specific direction to the Board of Revenue.

3. Learned counsel for the State/respondents 1 to 3 and 4 opposes the submission and submits that the impugned order has been passed by the Collector in compliance with the order passed by the Commissioner. Therefore, it cannot be said to be erroneous or against the provisions of law. Hence, there is no need of any kind of interference.

4. Considered on the submissions and also the facts present in the case. Also perused the documents filed along with the petition. Remedy of revision was available to the petitioner under the provision of Section 50 of the CG Land Revenue Code and which he has also availed, but it was due to vacancy in the office of the Board of Revenue the revision petition could not be heard and decided, which was taken notice by this Court while passing the order for interim relief on 25-07-2013. The situation is continuing similarly and it is informed that the revision petition is still pending before the Board of Revenue and by disposal of the same the petitioner may get relief he is seeking. Therefore, this petition is disposed off at motion stage. The petitioner is granted liberty to pursue the revision petition before the Board of Revenue and get the same decided within a timeframe of three months. It is also ordered that the stay granted in this petition shall continue for further three months and the order of eviction passed by the Collector shall not be given effect to until

termination of this time period.

5. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil