

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5144 of 2020**

Sunil Chauhan S/o Shri Prahlad Chauhan Aged About 30 Years R/o Korba Presently Gatwa, Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue Mahanadi Bhawan Naya Raipur Chhattisgarh.
2. The Commissioner Bilaspur Division, Bilaspur Chhattisgarh.
3. Sub Divisional Officer (Revenue) Sakti, District Janjgir Champa Chhattisgarh.
4. Tahsildar Sakti, District Janjgir Champa Chhattisgarh.
5. Nankiram S/o Shri Punaaram Caste - Gada, R/o Jamnipali Korba Presently Gatwa, Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.K. Gupta, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/12/2020**

1. The limited relief that the petitioner has sought for in the present writ petition is for an appropriate direction to the respondent No.2 to consider and decide the Revenue Second Appeal No. 75/2018-19 in the name of "Sunil Chouhan v. Nankiram" at the earliest.
2. The contention of the petitioner was that the petitioner was appointed as a Kotwar vide order dated 02.08.2017. the respondent No.5 questioned the order of appointment of the petitioner by way of an appeal before the Sub-Divisional Officer, who in turn allowed the same vide Annexure P/1 dated 10.04.2019.

The order of 10.04.2019 of the Sub-Divisional Officer was subjected to challenge by way of the Revenue Second Appeal before the Commissioner as early as on 09.05.2019 along with an application for grant of interim relief.

3. According to the petitioner, the Sub-Divisional Officer himself had stayed his order till the appeal is preferred by the petitioner. That the moment the appeal was preferred the efficacy of interim protection granted by the Sub-Divisional Officer has been over and since then the petitioner is trying to get the application for stay decided by the respondent No.2, which till date has not been processed or decided, neither has the appeal been decided on merits, which is still pending.
4. Given the peculiar facts and circumstances of the case particularly taking note of the fact that the appeal of the petitioner was preferred along with an application for interim relief on 09.05.2019 the respondent No.2 is hereby directed to ensure that the aforesaid Revenue Second Appeal preferred by the petitioner is taken up for consideration on interim application or on merits at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge