

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 5718 of 2010

- Tamradhawaj Sahu S/o Chintaram Sahu, aged about 43 years R/o Village Koba Patwari Circle 21, Tahsil Dondilohara, District Durg (C.G.).

---- Petitioner

Versus

1. Annapurna W/o Lakhan Sahu R/o Village Dondilohara, At present R/o Village Kusumkasa, Tahsil Balod, District Durg (C.G.)
2. Dileshwari D/o Dagaram, R/o Village Tarod, Tahsil Balod, District Durg (C.G.).

---- Respondents

For Petitioners	:	Mr. Vivek Kumar Tripathi, Advocate
For Respondent	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/06/2021

1. This petition has been brought being aggrieved by the order dated 26/03/2010 passed by the Chhattisgarh Revenue Board, Bilaspur (Annexure-P-1) praying for quashment of the same and for restoration of the order of SDO dated 20/08/2004 (Annexure-P-3).
2. It is submitted by the counsel for the petitioner that the petitioner was granted Patta of Abadi land, admeasuring area 0.11 decimals. Respondent No. 1 moved an application before Tahsildar, District Durg praying for cancellation of Patta in favour of the petitioner and issuance of Patta in her favour. This matter was decided by the order dated 22/04/2003 (Annexure-P-2) and Patta in favour of the petitioner was canceled with order for issuance of amended Patta in favour of

respondent No. 1. The petitioner then challenged this order in appeal before the Court of Sub Divisional Officer, Dondilohara, District Durg which was decided by the order dated 20/08/2004 (Annexure-P-3) and the order passed by the Tahsildar was set-aside. The order of SDO was challenged in second appeal before the Court of Additional Collector, which was decided by the order dated 31/07/2006 (Annexure-P-6) in which the appeal was allowed. The order of the First Appellate Court i.e. SDO was set-aside and the order passed by the Tahsildar was restored. This order was then challenged before the Chhattisgarh Revenue Board in a revision petition and the revision petition has been dismissed by the impugned order.

3. It is submitted by the counsel for the petitioner that the Tahsildar has passed an unlawful order by canceling the Patta in favour of the petitioner as the petitioner was in possession of the said Awadi land, therefore, the order that was passed by the SDO was proper and lawful for restoring the Patta in favour of the petitioner. Therefore, reliefs may be granted to the petitioner.
4. None for the respondents.
5. Considered on the submissions. Grant of Patta or lease is the privilege of the State Government and in this case the Patta has been granted to respondent No.1 by the State, therefore, State was the necessary party in this petition. Without impleading the State as party in this petition, the petitioner has no entitlement to claim any relief from the private respondents. The respondents themselves neither canceled the Patta nor granted the Patta. In the submissions that has been made by the petitioner, there is no reference of the provision of law under which the order that was passed by Tahsildar can be said to

be erroneous or illegal. Therefore, I am of the view this petition has no substance and the same is deserves to be and is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

rahul