

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1088 of 2021**

Mahendra Kumar S/o Bodhiram Sahu Aged About 46 Years R/o Village Chiwari, Tahsil Kurud District Dhamtari Chhattisgarh.

---- **Petitioner**

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. The Collector Dhamtari, District Dhamtari Chhattisgarh.
3. The Sub Divisional Officer, Kurud, Tahsil Kurud, District Dhamtari Chhattisgarh.
4. The Nyab Tahsildhar, Kurud, District Dhamtari Chhattisgarh

---- **Respondents**

For petitioner – Shri Rishikant Mahobia, Advocate.

For State- Ms. Shreya Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****24/02/2021**

Heard.

1. Learned counsel for the petitioner submits that the petitioner suffered an eviction order of the Naib Tehsildar on 23/01/2021 (Annexure P-1) to be evicted from the land bearing khasra No.807 area 0.15 hectares around 300 sq.ft. He would that the petitioner has constructed the house therein and has been in the possession of the same since their predecessor in title. He submits that against such order the petitioner has filed an appeal before the SDO under section 44 of the Land Revenue Code on 29/01/2021. Alongwith the appeal the petitioner has preferred an application for stay but till date nothing has transpired and in the meanwhile despite the petitioner pressed for hearing of the stay application, it has not been heard on the ground that record of the court of Naib Tehsildar was not transferred. He would submit that under the circumstances, if the petitioner is evicted in the meanwhile, filing of the appeal would be rendered infructuous.

2. Perusal of the record would show that against the order of eviction dated 23/01/2021 the appeal has been preferred by the petitioner on 29/01/2021. Along with that a stay application has been preferred. Since considerable time has passed as on date and it appears that no hearing has taken place on the stay application. Therefore since the appeal preferred by the petitioner is not heard on merits and stay application too has not been heard by the SDO, it is directed that the petitioner shall not be evicted from the subject land till the appeal is decided on merits.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE