

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.160 of 2021

- Late Ramlal (Died) S/o Gangaram Aged About 72 Years, Caste- Lodhi, Kastkar, R/o Village Sukhrikala, Post Ghotha, Police Station Bori, Sub Tahsil Bori, Tahsil Dhamdha, District Durg Chhattisgarh, Temporary Address Village Deurkona, Post Chicha, Police Station Bori, Sub Tahsil Bori, Tahsil Dhamdha, District Durg Chhattisgarh. (Died On 19-10-2019), Through His Legal Son Yuraj Patel S/o Late Ramlal Patel, Aged About 50 Years, R/o Sukhrikala, Post Ghotha, Police Station Bori, Tahsil Bori, District- Durg Chhattisgarh

---- Petitioner

Versus

1. Chintaram S/o Valiram Lodhi Aged About 50 Years
2. Ram Singh S/o Valiram Lodhi Aged About 45 Years
3. Nain Singh S/o Valiram Lodhi Aged About 35 Years
4. Tulsiram S/o Late Kejuram Aged About 60 Years
5. Shyamlal S/o Late Kejuram Aged About 50 Years
6. Piluram S/o Late Kejuram Aged About 45 Years
7. Urmila Bai D/o Late Kejuram Aged About 62 Years
8. Dhan Bai D/o Late Kejuram Aged About 47 Years

(All are r/o Village Deurkona, Post Chicha, Police Station Bori, Sub Tahsil Bori, Tahsil Dhamdha, District Durg Chhattisgarh)

9. Naib Tahsildar Bori, District Durg Chhattisgarh

---- Respondents

For Petitioner

– Mr. Suresh Kumar Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2021

Heard.

1. This petition has been brought seeking issuance of direction by this Court to the respondent No.9 for expediting the proceeding of partition.
2. It is submitted by the learned counsel for the petitioner that an application for partition of agricultural lands is filed by the petitioner side, which was registered as Revenue Case No.99A-27/2010-11. The application for partition was dismissed by the Nayab Tehsildar. The Revenue Appeal No.99A-27/2010-11 was allowed on 03.04.2012 by S.D.O.(R.) vide Annexure- P/3, in which the order of Nayab Tehsildar was set aside. It is further submitted that subsequent to this order, no proceeding has been taken up by the respondent No.9, therefore, the petitioner filed an application on 09.05.2018 praying for initiation of proceedings and almost 3 years have passed, there is no progress in the case, therefore, it is prayed that specific direction may be issued.
3. Considered on the submissions. The original Revenue Case No.99A-27/2010-11 has been reopened and restored by the appellate Court by order dated 03.04.2012. Although the respondent No.9 has registered a new case on the application filed by the petitioner on 09.05.2018, which has been registered as Revenue Case No.201805102700005/A27/2017-18. This application has to be merged with the previous Revenue Case No.99A-27/2010-11 and has to be proceeded with accordingly. Hence, looking to the length of pendency of this proceeding before the Nayab Tehsildar, this petition is disposed off at the motion stage.
4. Respondent No.9 is directed to expedite the proceeding in the Revenue Case mentioned hereinabove and conclude the same preferably within a period of 06 months from the date of passing of this order.
5. Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge