

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 2152 of 2021

Sukhsharan Cherwa, S/o. Late Luran Cherwa, Aged About 48 Years, Adopted Son of Late Heerasai Cherwa, R/o. Mohalla Darripara, Ambikapur, At Present R/o. Village Digma, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. Subhash, S/o. Ramsharan, Aged About 34 Years, R/o. Mohalla Darripara, Tahsil Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh.
2. State Of Chhattisgarh, Through Collector Surguja, Ambikapur, District Surguja Chhattisgarh

---- Respondents

For Petitioner : Ms. Priyanka Mehta, Advocate

For Respondent No.1 : Mr. Prafull N. Bharat, Senior Advocate
with Mr. Jitendra Shrivastava, Advocate

For Respondent No.2 : Mr. Ravi Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2021

Heard

1. The only short issue which is under challenge is that despite filing of the caveat application before the Board of Revenue in revision petition, the petitioner was not heard and the order was passed on 24.03.2021.
2. Learned counsel for the petitioner submits that the said order dated 24.03.2021 may be set aside and the matter may be remanded back for hearing on the stay application again.

3. Learned counsel for the respondent No.1 do not object to such submission.
4. Considering the fact that since the petitioner was not heard despite filing the caveat and the way the hearing took place at the Board of Revenue, Circuit Court, Raipur, *prima facie* it appears that the petitioner was not given any chance of hearing. Consequently, since no objection has been raised by the respondents, the order dated 24.03.2021 is set aside. The matter is remanded back to the Board of Revenue to give a proper opportunity of hearing to the petitioner to put forth their contention before any order on interim prayed is passed.
5. In view of the above, the petition is allowed.

Aks

Sd/-
(Goutam Bhaduri)
Judge