

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2556 of 2021

- Amritlal Madhukar S/o Shri Sudheram Madhukar Aged About 44 Years R/o Village Chhote Rabeli, Post Bade Rabeli, Tahsil Malkharoda, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, Atal Nagar, New Raipur, Civil And Revenue District Raipur Chhattisgarh
2. Collector Janjgir Civil And Revenue District Janjgir Champa Chhattisgarh
3. Sub Divisional Officer (Revenue) Sakti Civil And Revenue District Janjgir Champa Chhattisgarh
4. Tehsildar Malkharoda Civil And Revenue District Janjgir Champa Chhattisgarh.
5. Gram Panchayat Bhutha Through The Secretary Gram Panchayat Bhutha, Janpad Panchayat Malkharoda, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ramesh Nayak, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2021

Heard.

1. Learned counsel for the petitioner submits that the petitioner and the other villagers were served with a show cause notice on 06.07.2020 by the Tehsildar i.e. respondent No. 4 that they are in occupation of the government land. Subsequently, the order under Section 240(1) of the Chhattisgarh Land Revenue Code 1959 was passed by the respondent No. 4 on 10.07.2020 wherein the ejectment was ordered. He further submits that before such order was passed, the petitioner and the other villagers were not heard however, the order dated 10.07.2020 along with the interim application was subject of appeal before the SDO i.e. respondent No. 3. It is submitted that neither the

appeal nor the interim application filed in the appeal was heard by the SDO, therefore the SDO may be directed to hear the appeal within a reasonable time.

2. Perusal of the documents show that the petitioner has already preferred an appeal against the order of ejectment on 24.02.2021 which is pending adjudication before the SDO i.e. respondent No. 3. Since the appeal is pending and the considerable period has been passed and in the meanwhile, if the petitioner and the other villagers are ejected, then the filing of appeal itself would be rendered infructuous. Under these circumstances, it is ordered that the SDO may decide the appeal of the petitioner within a reasonable time on its merits and till then, the order of the Tehsildar dated 10.07.2020 for ejectment shall not be carried out.
3. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE