

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 876 of 2013

- Manish Mishra S/o Lt. Krishna Kumar Mishra Aged About 44 Years R/o Behind Telecom Office Sundernagar Raipur P.S.-Raipur District - Raipur C.G., Chhattisgarh

---- Petitioner

/Applicant

Versus

1. Board of Revenue Through, Chairman, Board of Revenue Circuit Court Raipur District - Raipur C.G., Chhattisgarh
2. Ram Kumar Mishra S/o Lt. Ram Jiwan Mishra R/o Village -Bade Urla Tahsil Abhanapur P.S.-Abhanapur District - Raipur C.G., District : Raipur, Chhattisgarh
3. Sanjay Mishra S/o Ram Kumar Mishra R/o Village -Bade Urla Tahsil Abhanapur P.S.-Abhanapur District - Raipur C.G., District : Raipur, Chhattisgarh
4. Dinbandhu Mishra S/o Ram Kumar Mishra R/o Village -Bade Urla Tahsil Abhanapur P.S.-Abhanapur District - Raipur C.G., District : Raipur, Chhattisgarh
5. Shobhraj Dawda S/o Roopchand Dawda R/o Village -Bade Urla Tahsil Abhanapur P.S.-Abhanapur District - Raipur C.G., District : Raipur, Chhattisgarh

---- Respondents

/Non-applicants

For Petitioner – Ms. Deepali Pandey, Advocate.

For State/Respondent No.1 – Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2021

1. This petition has been brought being aggrieved by the order dated 03-10-2012 by which the respondent No.1 has dismissed the application filed by the petitioner under Section 340 of the Cr.P.C. on the ground that the Board has no jurisdiction to entertain the application.
2. It is submitted by learned counsel for the petitioner, that respondent No.2 had filed an application before the Chhattisgarh Revenue Board, which was registered as Case No.M.14/R/B-121/36-A/2008 and order was made in favour of the applicant therein by the Board on 26-02-2009. It is submitted that earlier

one petition was filed by respondent No.2 before this High Court praying for relief on some disputed property which was dismissed by the High Court in WP No.102/2000 on 09-01-2009. Respondent No.2 maintained unlawful possession on the disputed property since about 25 years. Without informing the Board regarding dismissal of the writ petition respondent No.2 has obtained order in his favour from the revenue Board. Therefore, the application under Section 340 of the Cr.P.C. was filed before the Revenue Board praying for taking action against respondent No.2, but the same has been erroneously dismissed by the impugned order holding that the Board has no jurisdiction to entertain such application. Relying on the judgment of High Court of Andhra Pradesh in the case of **K. Rajagopala Rao Vs. P. Radhakrishna Murthy**, 2002 CriLJ 3405 it is submitted that the petition be allowed and relief be granted in favour of the petitioner.

3. There is no appearance and representation from respondents No.2, 3, 4 and 5.

4. The State counsel appearing for respondent No.1 opposes the submission and the petition. It is submitted that the petitioner was not a party in the litigation filed by respondent No.2, therefore, he has no locus standi to file any such application under Section 340 of the Cr.P.C. Hence, the petition be rejected.

5. Considered on the submissions. On perusal of the copy of the application filed by the petitioner under Section 340 of the Cr.P.C., it is found that there is mention of the application filed by respondent No.2 which was registered as Case No. M.14/R/B-121/36-A/2008 and that order was passed on 26-02-2009 in favour of respondent No.2. Copy of that order dated 26-02-2009 has not been filed along with the petition, therefore, it is not possible to make any reference and find out what has been order of the Board and what was the subject matter for relief granted to him. The allegation is this, that respondent

No.2 concealed the fact regarding decision of this Court in Writ Petition No.102/2000 decided on 09-01-2009, for that, perusal of the order dated 09-01-2009 becomes necessary.

The Writ Petition No.102/2000 was filed by respondent No.2 and others praying to quash the order dated 24-06-2000 passed by the Chief Executive Officer, Janpad Panchayat, Abhanpur granting permission to Gram Panchayat Urla, to organize the bazaar on the land of description mentioned therein. This High Court by the order dated 09-01-2009 held that the issue raised in the petition being the same as raised in the civil litigation, therefore, the petition was not maintainable. On perusal of the documents that are available with the petition it is difficult to find out that in what manner the dismissal of Writ Petition No.102/2000 would have affected on passing of the order by the Board. Hence, the present petition filed appears to be totally vague without any substance and without any proper material for consideration on the same. Hence, it being so the petition is not fit to be allowed, therefore, it is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge