

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3426 of 2021

1. Girjashankar S/o Ramlal Aged About 42 Years
2. Sunil S/o Sunderlal Aged About 50 Years
3. Padmabai W/o Ramlal Aged About 60 Years
4. Firan Bai D/o Ramlal Aged About 38 Years
5. Urmila Bai D/o Ramlal Aged About 44 Years
6. Hiran S/o Ramlal Aged About 40 Years
7. Parmila, D/o Ramlal aged about....

All are Resident Of Village Badhuli Tahsil Nawagarh, District Bemetara, Chhattisgarh

---- Petitioners

Versus

1. Sushil Kumar S/o Sunderlal Aged About 54 Years
2. Dulari D/o Sunderlal Aged About 48 Years
3. Uttara D/o Sunderlal Aged About 46 Years
4. Mamta D/o Sunderlal Aged About 44 Years
5. Kali Bai W/o Sunderlal Aged About 70 Years

All are Resident Of Village Badhuli, Tahsil Nawagarh, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

6. State Of Chhattisgarh Through Collector, Bemetara, District Bemetara Chhattisgarh

---- Respondents

For Petitioners : Shri B.L. Sahu Advocate

For Respondents/ State : Ms. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.08.2021

Heard.

1. The grievance of the petitioner is that land bearing Khasra No. 171 (old khasra No. 120/2) and khasra No. 172/2 (old khasra No. 119) were recorded in joint name with the respondents. Learned counsel for the petitioner submits that the Tahsilar by its order dated 05.12.2011 has directed for correction of the mutation.

The said order was subject of challenge before the SDO and the SDO by its order dated 30.04.2013 has set aside the order of the Tahsildar. Further being aggrieved by the order of the SDO, the order of the SDO was challenged before the Additional Commissioner and the Additional Commissioner by its order dated 27.01.2015 set aside the order of the SDO. Against such order revision was filed before the Board of Revenue and the Board of Revenue by its order dated 20.01.2021 has remitted back the case to the Tahsildar to hear the parties and thereafter pass the order.

2. Learned counsel for the petitioner prays that appropriate directions may be issued to the Tahsildar and the petitioner as they are in possession they may not be dispossessed.
3. On a query being made to the petitioner whether any decree for dispossession exist or not? He would submit that no decree has been passed by any Court. In view of this, no finding at this stage is required as dispossession can only be made in accordance with law. Considering the order of Revenue Board dated 20.01.2021 (Anenxure P-1) since the matter has been remitted back to the Tahsildar, as such, I do not find any reason to interfere with such order. The parties are at liberty to appear before the Tahsildar and put forth their claim. Since the issue is pending since 2011, therefore the Tahsildar is directed to decide the case of the petitioners within a period of 4 months from the date of receipt of a copy of this order.
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge