

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4572 of 2021

Radheshyam Ohdar S/o Vrishbhan Khairwar Aged About 45 Years R/o Village Singibahar, Tahsil Farsabahar, District Jashpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh through Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh
2. Collector Jashpur District Jashpur Chhattisgarh
3. Sub Divisional Officer Kunkuri Tahsil Kunkuri District Jashpur Chhattisgarh
4. Lalit Tirkey S/o Late Benedik Tirkey Aged About 65 Years R/o Village Kunkuri, Tahsil Kunkuri District Jashpur Chhattisgarh
5. Sangeeta D/o Lalit Caste Uraon, R/o Village Kunkuri, Tahsil Kunkuri District Jashpur Chhattisgarh

---- Respondents

For Petitioner	: Shri Manish Upadhyay, Advocate.
For the respondents / State	: Shri Pawan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.11.2021

Heard on petition.

1. The petitioner is aggrieved by the order dated 27.8.2021, by which respondent No.2 has entertained the appeal filed against the order dated 28.8.2012 passed in Revenue Case No. 1/A/23/2009-10. The appeal was filed after 9 years alongwith application for condonation of delay. The delay has been condoned by the impugned order in an erroneous and arbitrary manner. Hence, this petition.
2. Learned State counsel opposes the submissions and submits that the impugned order can be challenged in revision before the Commissioner under Section 50 of the Chhattisgarh Land Revenue Code, 1959. Hence, the petition is not maintainable.

3. Considered on the submissions. The petition is disposed off at motion stage. The petitioner granted liberty to file a revision petition before the Commissioner within a period of 10 days alongwith application for condonation of delay. It is also ordered that in the meanwhile, the petitioner files any appeal or revision on the application for condonation of delay and seeks remedy from the Commissioner, the proceeding in the appeal pending before respondent No.2 shall remain stayed for a period of 30 days.
4. With the aforesaid observations, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi