

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4479 of 2021

1. Arjun Sahu S/o Late Sahas Ram Sahu, Aged About 51 Years R/o Village Mohanpur, Post Office Jhagarpur, Tahsil And Police Station Lailunga, District Raigarh, Chhattisgarh
2. Smt. Purnamasi Sahu, W/o Arjun Sahu, Aged About 47 Years R/o Village Mohanpur, Post Office Jhagarpur, Tahsil And Police Station Lailunga, District Raigarh, Chhattisgarh

---- Petitioners

Versus

1. Mohan Lal, S/o Late Banarasi Das, R/o Lailunga, Tahsil And Police Station Lailunga, District Raigarh, Chhattisgarh
2. Gayatri Devi, W/o Nivas Jain, R/o Ward No.4, Tahsil And Police Station Lailunga, District Raigarh, Chhattisgarh
3. Chakradhar Sahu, S/o Late Bharat Sahu, Aged About 41 Years R/o Village Mohanpur, Post Office Jhagarpur, Tahsil And Police Station Lailunga, District Raigarh, Chhattisgarh
4. Sub - Divisional Officer (Revenue), Lailunga, District Raigarh, Chhattisgarh
5. Naib Tahsildar, Tahsil Lailunga, District Raigarh, Chhattisgarh

---- Respondents

For Petitioners	– Mr. Ghanshyam Kashyap and Mr. Harshmander Rastogi, Advocate.
For State	– Mr. Rahul Jha, Govt. Advocate.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-11-2021

1. Heard.
2. This petition has been brought being aggrieved by the order dated

26.10.2021 passed by S.D.O. Lailunga.

3. It is submitted by the learned counsel for the petitioners that respondent No.1 moved an application under Section 250 of C.G. Land Revenue Code, 1959 before Tehsildar, which was dismissed. That order was challenged before the Court of S.D.O. Lailunga by the impugned order. The learned S.D.O. that is respondent No.4 has allowed the appeal and directed that the persons in possession of the land claimed by the respondent No.1, be evicted.
4. It is further submitted that the petitioners are in possession of the lands in question, who were never afforded any opportunity of hearing and raising any objection neither before Tehsildar nor before the learned S.D.O., therefore, they may be granted an opportunity to protect their interest in the property.
5. Learned State counsel opposes the submissions and submits that petitioners have not presented any documentary evidence in support of their claim. The lease-deed on which the petitioners are relying does not mention of any Khasra numbers. Therefore, the petitioners are not entitled for any relief.
6. The learned counsel for petitioners submits that the petitioners may be given one opportunity to present their case before S.D.O.
7. Considered on the submissions, the petition is disposed off at the motion stage. The petitioners are granted opportunity to make a representation before respondent No.4 placing their claims over the disputed property within a period of 10 days. The respondent No.4 is further directed to consider on that representation within a period of 30 days. In the meanwhile, it is ordered that in case, any coercive step is

proposed against the land in possession of present petitioners then that shall remain stayed until the time, the respondent No.4 will be deciding the representation.

8. Accordingly, the petition is disposed off.

9. Certified copy today.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge