

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 5303 of 2021**

Smt. Susanna Wd/o Imli, Aged About 71 Years, Caste Uraon, R/o Kansabel, Tahsil Kansabel, District Jashpur, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur, Chhattisgarh.
2. The Sub Divisional Officer (Revenue), Bagicha, District Jashpur Chhattisgarh.
3. Shivbrat Sai S/o Ramlal Sai, Caste Kanwar, R/o Village Pongro, Tahsil Kansabel, District Jashpur, Chhattisgarh.
4. Shivshankar Dhiwar S/o Budhauram, Caste Dhimar, R/o Kansabel, Tahsil Kansabel, District Jashpur, Chhattisgarh.

**---- Respondents**


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|----------------|---|-----------------------------------------------------------------------|
| For Petitioner | : | Mr. J. K. Saxena, Advocate                                            |
| For State      | : | Mr. Chandresh Shrivastava, Dy. A.G. with<br>Ms. Sameeksha Gupta, P.L. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****21.12.2021**

1. The dispute in the present writ petition appears to be in respect of the land bearing Khasra No. 123/16 situated at village Kansabel. P.H. No. 04, Tahsil Kansabel, District Jashpur (CG).
2. Learned counsel for petitioner submits that the property belongs to the petitioner and her name is also reflected in the revenue records. However, the respondent no.3 is said to have got a sale deed

executed by playing fraud and cheating, therefore, the petitioner approached the respondents ventilating her grievances in accordance with the proceedings under Section 173 of the CG Land Revenue Code, 1959. The petitioner drew the attention of the Court to Annexure P-3 which is a show cause notice issued by the SDO i.e. respondent no.2 dated 02.11.2020 against the respondent no.4 under Section 170B of the Chhattisgarh Land Revenue Code, 1959.

3. The grievance of the petitioner is that thereafter there is no further development or at least the petitioner is not aware of any further development in the proceeding. Counsel for the petitioner prays for an appropriate direction to the respondent no.2 for taking appropriate steps in the proceedings under Section 173 against the respondent no.4.
4. Learned state counsel, however, submits that there does not seem to be any personal relief sought by the petitioner by moving appropriate application in this regard or at least it is not reflected from the pleadings. According to the State counsel, subject to the petitioner moving an appropriate application before the respondent no.2, the same shall be considered and decided in accordance with law after hearing all the interested parties to the dispute. He further submits that there is also a possibility that the show cause proceeding that was initiated must have been concluded by now and if not, the proceedings shall be concluded at the earliest.
5. Given the said submission by the learned State counsel, without entering into the merits of the case, the writ petition at this juncture stands disposed of permitting the petitioner to approach the respondent no.2 by way of an appropriate representation/application

and the respondent no.2 in turn shall duly scrutinize the same keeping in view the show cause notice initiated vide Annexure P-3 dated 02.11.2020 and take an appropriate decision and conclude the matter if not already concluded, within an outer limit of 6 months, after giving all the interested parties to the dispute a reasonable and fair opportunity of hearing.

**Sd/-  
(P. Sam Koshy)  
Judge**