CGHC010027882024 2026:CGHC:44298

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HIGH COURT OF CHHATTISGARH AT BILASPUR

AVINASH SHARMA

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WPC No. 479 of 2024

1 - Buta Singh S/o Tilak Ram Aged About 61 Years R/o Moti Sagarpara, Korba, Tahsil And District- Korba, C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur, C.G.

2 - Board Of Revenue Chhattisgarh, Bilaspur, District Bilaspur, C.G.

3 - Commissioner Bilaspur, Division Bilaspur, C.G.

4 - Collector Korba, District Korba, C.G.

5 - Tahsildar Tahsil Korba, District Korba, C.G.

6 - Smt. Shashi Jaiswal W/o Rajendra Jaiswal R/o Subhash Block, Secl, Korba, Tahsil And District Korba, C.G.

... Respondent(s)

For Petitioner(s)	:	Shri SP Sannat, Advocate.
For State	:	Shri Abhuday Tripathi, PL.
For Respondent No.6	:	Shri Rahul Birtharey, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

13/10/2026

1. Learned counsel for the petitioner submits that Respondent No.6 filed an application under Section 250 of The Land Revenue Code before the learned Tahsildar, Korba, Disrict Korba (C.G.). It was pleaded in the application that suit land bearing khasra No. 497/129 rakba 0.05 acre is respondent No.6' land on which the petitioner has made a hut by illegal possession and he is

residing in that hut, therefore evict the petitioner from the suit land and give possession to the respondent No.6. The application was admitted and registered as Revenue Case No. 44/A-70/2013-2014. The petitioner was served a notice. The petitioner appeared before the learned Tahsildar, Korba and filed his preliminary objection stating that the suit land is a Government residential land on which the house has been made by him and he has been residing in the house. The respondent had not stated that how many years prior, the petitioner has made the house, therefore, section 250 of The Land Revenue Code has not been attracted. This section is applicable only on the agricultural land, therefore, he prayed to reject the application filed by the respondent No.6 under Section 250 of The Land Revenue Code. The learned Tahsildar fixed the case on 08.05.2017 for evidence to dispose of the preliminary objection filed by the petitioner. The petitioner prayed to give an opportunity to produce the evidence but the learned Tahsildar ended the opportunity vide order dated 08.05.2017 to produce evidence and instead of passing the order on the preliminary objection of the petitioner, the learned Tahsildar, Korba passed the final order of eviction of the petitioner vide order dated 26.05.2017 under Section 250 of The Land Revenue Code. Being aggrieved by the order dated 08.05.2017, the petitioner filed revision before the learned Collector, Korba, District Korba (C.G.) which has been rejected vide order dated 23.01.2018 in Case No. 23/A-70/2016-17 on the ground that the learned Tahsildar, Korba has passed final order vide order dated 26.05.2017, so the revision against the interim order dated 08.05.2017 is unnecessary. Being aggrieved by the order dated 23.01.2018, the petitioner filed revision before the learned Commissioner, Bilaspur (C.G.) which has

been rejected vide order dated 30.11.2021 in Revision Case No. 14/A-70/2017-18 maintaining the order dated 23.01.2018 passed by the learned Collector, Korba (C.G.). The petitioner filed revision before the learned Board of Revenue, Chhattisgarh, Bilaspur (C.G.) on the ground that the preliminary objection of the petitioner has not been decided. The learned Tahsildar, Korba ought to have given an opportunity to the petitioner to produce evidences. The learned Tahsildar, Korba erred in not deciding the preliminary objection of the petitioner. But the Board of Revenue, Chhattisgarh, Bilaspur (C.G.) did not admit the revision vide order dated 04.10.2023 on the ground that the petitioner has been given sufficient opportunity by the trial court to produce evidence and dismissed the revision of the petitioner.

2. Learned State counsel submits that order dated 08.05.2017 passed by the Tehsildar, by which opportunity to lead evidence was closed for the petitioner, was challenged by the petitioner before the Collector as well as before the Commissioner and thereafter also before the Board of Revenue. He submits that the Collector did not interfere with the said order holding that after passing of order dated 08.05.2017, final order dated 26.05.2017 has also been passed by the Tehsildar, as such, no revision lies against the preliminary order dated 08.05.2017. Likewise, Commissioner affirmed the order of Collector vide order dated 30.11.2021 holding that the petitioner had been given ample opportunity to lead evidence. Thereafter, Board of Revenue vide order dated 04.10.2023 also dismissed the revision of the petitioner stating no illegality in the order of subordinate Courts. He submits that when the impugned preliminary order has been culminated into passing of final order by Tehsildar, this Petition has become infructuous.

3. Learned counsel for the petitioner at this stage submits that he is having no information about passing of final order, as such, he cannot confirm the submissions of State counsel.

4. Having considered the submissions made by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the order dated 08.05.2017, whereby the petitioner's opportunity to lead evidence was closed, has been affirmed by all three authorities below. It is also the specific submission of learned State counsel that the learned Tahsildar has subsequently passed the final order dated 26.05.2017 in the proceedings initiated under Section 250 of the Code.

5. In view of the aforesaid circumstances, this Court is of the considered opinion that no effective relief can be granted to the petitioner in the present petition, which is confined to the challenge to the interlocutory order dated 08.05.2017, particularly when the said proceedings have culminated in the passing of the final order dated 26.05.2017. The petitioner, if aggrieved by the final order passed by the learned Tahsildar, would be at liberty to challenge the same before the appropriate forum, in accordance with law.

6. Accordingly, the petition is disposed of, with the aforesaid liberty.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash