

(2019) 08 CHH CK 0065

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2786 Of 2019

Samoj Khan

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 9, 2019

Acts Referred:

- Chhattisgarh Land Revenue Code, 1959 - Section 44, 248

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Rakesh Pandey, Rahul Jha

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. Learned counsel for the petitioner submits that the order dated 02.08.2019 (Annexure P-1) has been passed in exercise of powers under Section

248 of the C.G. Land Revenue Code, 1959 (for short 'the Code 1959'), whereby the petitioner is directed to remove/vacate his possession and fine of

Rs.2000 has been imposed. He would further submit that only 6 days time is has been given by the Tehsildar to comply with the aforesaid order. He

would further submit that the petitioner though has right to file an appeal but because of the limited order has been passed such right has been taken

away, which defeats the valuable right which is granted under Section 44 of the Code, 1959, therefore, limited prayer has been made to prefer the

appeal and seek stay of the order of the Tehsildar so that the order of the eviction may be stayed.

3. Considering the limited prayer made by the petitioner and taking into the facts & circumstances of the case, the petitioner is granted liberty to file appeal within a period of two weeks, if so advised, and may also file an application for stay against the ejectment. Thereafter, the SDO shall decide the appeal, if so preferred by the petitioner along with the application for stay within a reasonable time. Till the application for stay is decided, the petitioner shall not be dispossessed from the subject property.
4. With the aforesaid observation, the writ petition stands disposed of.