

(2018) 09 CHH CK 0411

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2647 Of 2018

Sukhlal

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 26, 2018

Acts Referred:

- Chhattisgarh Land Revenue Code, 1959 - Section 178
- Code Of Civil Procedure 1908 - Order 39 Rule 1, Order 39 Rule 2

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Atanu Ghosh, Rajendra Tripathi

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. The proceedings under Section 178 of the Chhattisgarh Land Revenue Code, 1959 for partition of the agricultural holdings are pending before the

Tehsildar, Ramanujnagar, District Surajpur. The Tehsildar stayed the proceedings enabling the parties to prefer a suit because on an objection raised

by the petitioner, the Tehsildar observed that there exists dispute of title between the parties. It is this order which has eventually been vacated by the

Board of Revenue by its impugned order dated 03.04.2018 and thus the proceedings before the Tehsildar have been continued.

2. It appears, the petitioner is raising question of title before the Revenue Board, therefore, either of the party, including the petitioner, could have

preferred a suit seeking declaration of title to the extent of his share or exclusive ownership over the property.

3. Let the petitioner prefer a suit within a period of 3 months along with an application for grant of temporary injunction. For a period of 4 months from today or till the petitioner's application under Order 39 Rule 1 & 2 of CPC is taken up for consideration, whichever is earlier, the party shall maintain status quo in respect of the suit property. This order of status quo shall lose its efficacy immediately after expiry of 4 months.

4. The writ petition stands disposed of.