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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. NO. 25 /2002

WRIT PETITION UNDER ARTICLE 226/227 OF
CONSTITUTION OF INDIA

PETITIONERS

1. Vinod Singh, aged 38 years
S/o. Late Harihar Singh
2. Sailesh Kumar Singh, aged 35 years
S/o. Late Harihar Singh,
Occupation Agriculture
3. Smt. Lilavati, aged 50 years
Wd/o. Late Shri Nivas Singh
Occupation house wife
4. Santosh Singh, aged about 20 years
S/o. Late Shri Nivas Singh
5. Pradeep Singh, aged 18 years
S/o. Late Shri Nivas Singh
Petitioner No.4 & 5 are Students
6. Smt. Nirmala Singh, aged 45 years
Wd/o. Late Shrikant Singh
Occupation House wife
7. Avinash Singh, aged 18 years,
Occupation student
8. Rajan Singh, aged about 14 years
Minor through mother &
Natural guardian Smt. Nirmla Singh
All R/o. Vill. Indarpur, P.O. Odagi
P.S. Bhaiyathan, Tah. Surajpur,
Distt. Sarguja (C.G.)

P. R. No. 17403
Presented by Shri B. L. Dhanraj
dated 03.01.03

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RESPONDENTS

VERSUS

1. The State of Chhattisgarh
Through The Collector,
Ambikapur (C.G.)

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2. The Sub-Divisional Officer
Ambikapur, Distt. Sarguja (C.G.)
 3. Jai Singh, S/o. Gajroop,
Caste Gond
 4. Belasiya, Wd/o. Gajroop,
Caste Gond,
No.3&4 R/o. Vill. Indrapur
Tah. Surjpur, Distt. Sarguja (C.G.)
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(37)

आदेश पत्रक

W.P. No 25/ सन् 2003

मामला क्रमांक

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>31.01.2003</p> <p>Shri S.K.Beriwal, counsel for the petitioners.</p> <p>Shri Ranbir Singh, G.A. for the State/Respondents No.1 and 2.</p> <p>Though this matter was listed for admission, considering the short point involved in this writ petition, on the prayer of learned counsel for the petitioner and with the consent of the State counsel, it is being disposed of at the admission stage.</p> <p>Heard.</p> <p>The case of the petitioners is that they are the legal heirs of late Smt. Ganga Devi who had purchased the land in question on 14.3.1967 with permission of the Collector, Ambikapur, which was granted in Revenue Case No.49-A/21 of 1965-66. Ignoring all this, the petitioners assert, the owner of the land in question has filed an application under Section 170 (B) before respondent No.2 who has allowed the application and directed that property be restored to the original owner.</p> <p>According to the petitioners, against the order of S.D.O. an appeal was preferred by the petitioners before the Collector,</p>	

[पीछे देखिये]

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आदेश पत्रक

मामला क्रमांक

WP 225/03

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Surguja alongwith an application of stay. However, though the appeal has been entertained, the stay application has been rejected which order is the subject matter of challenged in this writ petition.</p> <p>It is submitted on behalf of the petitioners that since the appeal has been admitted, under the facts and circumstances of the case the respondent No.1 was not justified in rejecting the application as dispossession and restoration of the property to the original owner will virtually make the appeal infructuous.</p> <p>Having heard learned counsel for the petitioners and the State, the Court is of the opinion that no useful purpose would be served in keeping the writ petition pending as the same can be disposed of by granting interim protection to the petitioners which the Court considers, on the facts and circumstances of the case, to be appropriate. Accordingly, the order refusing stay passed by respondent No.1-Collector, Ambikapur in Appeal No.11/A-23/2002-03 is set aside and it is directed that the operation of the order dated 29.11.2002 (Annexure P/1) passed by Sub-Divisional Officer, Surajpur in Revenue Case</p>	

[पीठ के बीच]

आदेश पत्रक

wp. 25/03

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>-3-</p> <p>No.83/A-23/2002-03 shall remain suspended during the pendency of the appeal. It is made clear that the Court is not expressing any opinion on the merits of the petitioners' appeal.</p> <p>With the above observations and directions, this writ petition is disposed of. Consequently, M.W.P.No.39/2003 for grant of interim relief and I.A.No.166/2003 for urgent hearing also stand disposed of.</p> <p>Certified copy as per rules.</p>	<p>Sd/- P. C. Naik Judge</p>

Angar

[सिने देखिये]

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