

Ch 1007 / 5

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT APPEAL No. 33 /2010

APPELLANT/ PETITIONER

✓ Ku Reeta Dey d/o Asit Baran Dey
aged about 27 years r/o Annapurna
Vihar Ganesh Nagar, Bilaspur, Tahsil
and District Bilaspur Chhattisgarh

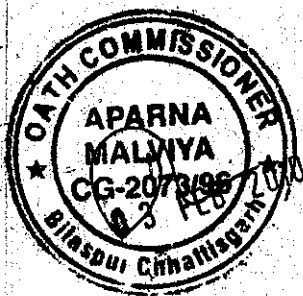
VERSUS

RESPONDENTS

- ✓ 1. State of Chhattisgarh through The
Collector, District Bilaspur
Chhattisgarh
- ✓ 2. Sub Divisional Officer (Revenue),
District Bilaspur, Bilaspur
Chhattisgarh
- ✓ 3. Rajesh Yelukur s/o aged about 45
years r/o Village Shankar Nagar,
Torwa, Bilaspur, Tahsil and District
Bilaspur Chhattisgarh
- ✓ 4. Mohd Rafeek s/o Mohd. Umar aged
about 50 years Ganesh Nagar,
Bilaspur, Tahsil and District Bilaspur
Chhattisgarh
- ✓ 5. Village Panchayat Mahmand-
Through- The Sarpanch Village
Panchayat Mahmand, Tahsil and
District Bilaspur Chhattisgarh

(APPLICANT)

(NON APPLICANT)



WRIT APPEAL UNDER SECTION 2 (1) OF THE CHHATTISGARH HIGH
COURT (APPEAL TO DIVISION BENCH) ACT 2006

SD



(52)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH:

**HON'BLE SHRI I. M. QUDDUSI &
HON'BLE SHRI PRASHANT KUMAR MISHRA, JJ.**

WRIT APPEAL NO.33 OF 2010

Appellant/Petitioner

Ku. Reeta Dey

Vs

Respondents

State of Chhattisgarh & others

Present:

Mr. A.V. Sridhar, Advocate for the appellant.

Mr. Arvind Dubey, Panel Lawyer for the State.

ORAL JUDGMENT

(Passed on 31st March, 2010)

I. M. Quddusi, J:-

1. Heard on I.A. No.1, application for condonation of delay in filing this writ appeal, as the same has been preferred with a delay of 160 days.
2. Explanation has been submitted to the effect that a writ appeal was filed against the impugned order dated 15.7.2009, however, the same has been withdrawn with liberty to file a review petition and thereafter a review petition was filed before the learned Single Judge, which was dismissed vide order dated 27.10.2009.
3. No explanation except the above has been given.
4. The fact is that this writ appeal has been filed on 05.02.2010. Review petition was decided on 27.10.2009. Certified copy of the order passed in review petition was applied for only on 10.11.2009 which became ready on 11.11.2009 and therefore, there is still unexplained delay of more than 90 days.
5. Besides above, learned counsel for the writ appellant has himself submitted that the writ appellant's right has been protected under Section 61-F(2) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 and the appellant can avail the remedy by



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applying under that section before the Prescribed Authority for re-allotment of the plot in question.

6. In view of the above, the application for condonation of delay in filing this appeal is rejected.

7. Consequently, the writ appeal is also dismissed.

Sd/-
I.M. Quddusi
Judge

Sd/-
Prashant Kumar Mishra
Judge

Roshan/-