

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP(C) No. 4354 of 2021**

Saraswati D/o Hardatt Tiwari Aged About 84 Years R/o Village - Kevra,  
Tahsil - Pratappur, District-Surajpur Chhattisgarh.

**---- Petitioner**

**Versus**

1. Kunti W/o Shivpal Kushwaha, R/o Village - Podi, Tahsil-Pratappur, District - Surajpur Chhattisgarh.
2. Devsai S/o Shivdhari Caste Gond R/o Village - Podi, Tahsil-Pratappur, District - Surajpur Chhattisgarh.
3. Sukhmen W/o Late Ramcharan Caste Gond, R/o Village - Podi, Tahsil-Pratappur, District - Surajpur Chhattisgarh.
4. Moharsai S/o Late Ramcharan Caste Gond R/o Village - Podi, Tahsil-Pratappur, District - Surajpur Chhattisgarh.
5. Brijkumar S/o Late Ramcharan Caste-Gond, Aged About 14, Minor Represented Through Mother Sukhmen Wife Of Late Ramcharan, R/o Village - Podi, Tahsil-Pratappur, District - Surajpur Chhattisgarh.

**---- Respondents**

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For Petitioner : Shri Rahul Mishra, Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**29.10.2021**

Heard.

1. This petition has been brought praying for issuance of appropriate direction.
2. It is submitted by counsel for the petitioner that the petitioner is the owner of the property in dispute by a sale deed dated 28.6.1993. Khasra numbers that were mentioned in the sale deed were old khasra numbers, therefore, the petitioner moved an application under Sections 115 & 116 of the Chhattisgarh Land Revenue Code, 1959 praying for correction of the khasra numbers in the revenue records, which was allowed by the order dated 16.10.2014, filed as Annexure-P/4.

3. The private respondents preferred an appeal before the Sub-Divisional Officer. Learned SDO by order dated 2.9.2015 granted interim relief by directing the parties to maintain status-quo with respect to the suit property. The petitioner then preferred an appeal against this interim order before the Additional Collector, Surajpur, which has been disposed of by the order dated 21.10.2016 and the interim order passed in favour of the private respondents was set aside. The private respondents have then preferred a revision before the Commissioner, Surguja Division, which has been disposed of by the impugned order dated 19.7.2021, by which the Commissioner has set aside the order of the Additional Collector dated 21.10.2016 and the interim order dated 2.9.2015 was restored.
4. It is further submitted by counsel for the petitioner that consequent to the order passed by the Tehsildar dated 16.10.2014, the correction in the revenue records has taken place and the petitioner is in possession of the property in dispute. The appeal pending before the SDO is still pending regarding which, there is no direction in the impugned order, hence, the petitioner may be granted some protection and the present petition may be disposed of.
5. After considering on the submissions and looking to the facts present, the correction in the revenue records have taken place according to the order passed by the learned Tehsildar and it is only regarding the order of the Tehsildar, the appeal is pending before the Court of SDO, which is yet to be decided. In the impugned order, there was no direction with respect to the appeal pending before the Court of SDO Revenue. Hence, the petition is disposed of at motion stage. The petitioner is granted liberty to move a representation before the SDO Revenue praying for deciding the appeal within a period of 15 days.

6. With these observations, the petition is disposed of.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi