2026:CGHC:13601

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1227 of 2026

Mo. Sadiq S/o Mustaqeen Aged About 72 Years R/o Village Kanakpur, Tehsil Ramanujganj District- Balrampur- Ramanujganj (C.G.)

... Petitioner.

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan, Raipur, District- Raipur (C.G.)

2 - Commissioner, Surguja, Ambikapur District- Surguja (C.G.)

3 - Collector, Surajpur District- Surajpur (C.G.)

4 - Sdo (R), Ramanujganj District- Balrampur- Ramanujganj (C.G.)

... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate.
For Res No.1 to 4/State	:	Mr. Shobhit Mishra, Govt. Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

23/03/2026

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the followings reliefs:-

> "(i) That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 24.04.2025 (ANNEXURE P/1) passed by the Commissioner, Surguja Division, Ambikapur (C.G.) in Revenue Case No. 201806960200009/ A-6A/2017-18 and the order dated 28.02.2018 (ANNEXURE P/3) passed by the SDO (R), Ramanujganj in Revenue Case

No. 02/A-6A/2014-15 and order dated 31.03.2012 passed in revenue appeal case no. 29A-6A/2010-2011 (ANNEXURE P/5);

(ii) That, this Hon'ble Court may kindly be pleased to restore the order dated 31.01.2011 passed by the Tehsildar, Ramanujganj, in Revenue Case No. 7A-6A/2009-10, rectifying the revenue entry in favour of the petitioner;

(iii) That any other order/ relief which this Hon'ble Court may deem fit, proper, and just in the facts and circumstances of the present case may also kindly be awarded to the petitioner in the ends of justice."

2. Learned counsel for the petitioner submits that the petitioner is the rightful owner and occupant of land bearing Khasra Nos. 493 and 528, admeasuring 0.097 and 0.028 hectares, respectively, situated at Village Kanakpur, Tahsil Ramanujganj, District Balrampur-Ramanujganj (CG). The land was earlier recorded in the name of the petitioner's grandfather, late Amir Miyan. During the Surguja State Survey Settlement proceedings, the name of one Tetri Bai, W/o Dilu (both died), was wrongly recorded in respect of the petitioner's Khasra numbers. Therefore, the petitioner filed Revenue Case No. 7A-6A/2009-10 before the Tahsildar, Ramanujganj, for the rectification of the erroneous entry. The same was allowed vide order dated 31.01.2011, wherein the Tahsildar directed for the rectification of the record. However, an appeal was preferred against the said order by late Tetri Bai (Revenue Appeal Case No. 29A-6A/2010-11). The learned SDO (Revenue), Ramanujganj, vide order dated 31.03.2012 (Annexure-P/5), allowed the appeal and set aside the Tahsildar's order solely on the ground that the B-1 record of 1990-91 contains the names of both parties (Mo. Sadiq and Tetri) and that the order was passed without a proper enquiry into this fact.

Counsel further submits that against the said order, the petitioner filed a review case (Case No. 02A-6A/2014-15) before the SDO (Revenue), Ramanujganj which was dismissed on 28.02.2018 (Annexure-P/3). Aggrieved by this, the petitioner preferred a revision before the Commissioner, Surguja Division (Case No. 201806960200009/A-6 A/2017-18), however, vide order dated 24.04.2025 (Annexure-P/1), the revision was also dismissed.

3. In view of these facts, counsel for the petitioner submits that if there was any error by the Tahsildar regarding the B-1 entry of 1990-91, the SDO (Revenue) should have inquired into the issue or taken additional evidence as per Section 49(3) of the CG Land Revenue Code, 1959 (hereinafter referred to as the "**Code 1959**") but instead thereof, the SDO(Revenue) outrightly set aside the order dated 31.01.2011, which is not justifiable. Hence, he prays to set-aside the orders dated 31.03.2012 (Annexure-P/5), order dated 28.02.2018 (Annexure-P/3) and order dated 24.04.2025 (Annexure-P/1), and to remit the matter to the SDO (Revenue), Ramanujganj, to decide Case No. 29A-6A/2010-11 afresh in light of provisions contained in Section 49 of the Code 1959.

4. In reply, learned State counsel submits that if the petitioner was aggrieved by the order of SDO (Revenue) dated 31.03.2012, he ought to have preferred an appeal before the Collector. Under Section 49(3) of the Code of 1959, the Appellate Authority has the power to confirm, vary, or reverse the order, but the petitioner filed a revision instead. However, he also submits that the learned SDO has the power to take additional evidence to resolve errors in the Tahsildar’s order as per the aforesaid provision.

5. Heard learned counsel for the parties and perused the record.

6. A perusal of the order dated 31.03.2012 (Annexure-P/5) shows that the SDO (Revenue) Ramanujganj, District Balrampur set-aside the order of Tahsildar, Ramanujganj only observing that B-1 of the year 1990-91 contained the names of both Mo. Sadiq and Tetri (deceased), and that the Tahsildar passed the order without examining this issue.

7. At this stage, it would be apt to reproduce Section 49(3) of the CG Land Revenue Code, 1959:

> "**49. Power of appellate authority.**
> **(3)** [After hearing the parties, the appellate authority may confirm, vary or reverse the order appealed against; or may take such additional evidence as it may consider necessary for passing its order:
>
> Provided that the Appellate Authority shall not remand the case for disposal by any Revenue Officer subordinate to it.]
> *Substituted by C.G. Act No. 11 of 2003 (w.e.f. 23-11-2002).*"

8. Keeping in mind the aforesaid provision and perusing the order dated 31.03.2012 (Annexure-P/5), this Court is of the opinion that the SDO (Revenue), before passing an order of quashment, ought to have taken additional evidence to resolve any lacuna or confusion regarding the revenue record which contained the names of two parties in a same document of the year 1990-91. However, the learned SDO (Revenue), without examining this issue, outrightly set aside the order dated 31.01.2011 passed by the Tahsildar, Ramanujganj, whereas it ought to have take steps under Section 49(3) of the Code, 1959.

9. Moreover, instead of filing an appeal before the appropriate Authority against the order dated 31.03.2012 (Annexure-P/5) passed by the SDO

(Revenue), the petitioner engaged in review proceedings and a subsequent revenue case, which were not on a proper footing.

10. Hence, in view of the aforesaid backdrop, and considering the contentions of the learned counsel for the parties and bearing in mind the provision of Section 49(3) of the Code of 1959, order dated 31.03.2012 (Annexure-P/5), order dated 28.02.2018 (Annexure-P/3) and order dated 24.04.2025 (Annexure-P/1) are hereby set aside. The Sub-Divisional Officer (Revenue), Ramanujganj, District Balrampur, is directed to restore Revenue Case No. 29A-6A/2010-2011 (Tetri Bewa Vs. Mo. Sadiq) to its original number and decide the case afresh in accordance with law and also keeping in mind the provisions of Section 49(3) of the Code of 1959, after providing a due opportunity of hearing to both the parties.

11. The aforesaid exercise shall be concluded within a period of 90 days from the date of receipt/submission of copy of this order.

12. With the aforesaid direction, this petition stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay