

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3187 of 2020

Rammani Pandey & Ors. **-Versus-** State of Chhattisgarh & Ors.

04.01.2021	Mr. Ratnesh Kumar Agrawal, Advocate for the Petitioners. Mr. Gagan Tiwari, Govt. Advocate for the State/ Respondents No.1 to 4. Heard Learned counsel for the petitioners submits that though the respondent No.5 has sought for pathway over the land of the petitioner and has filed a case before the Tahsildar, which is pending adjudication; in the meanwhile, on a representation made to the S.D.O., the S.D.O. has passed the order dated 07.11.2020 (Annexure P-1) wherein easementary right for the pathway has been given. He further submits that the said order was passed without giving any opportunity of hearing. Apart from the fact, the S.D.O. is not vested with any jurisdiction under Section 131 of the Land Revenue Code and specially when the proceedings are pending before the Tahsildar then the said order could not have been passed. Issue notice to the Respondent No.5, as per rules. In the meanwhile, considering the fact that the proceedings are pending before the Tahsildar for the same issue, which prima facie appears pursuant to Section 131 of the Land Revenue Code, it is directed that there shall be stay of the order dated 07.11.2020 (Annexure P-1) till the next date of hearing. Sd/- (Goutam Bhaduri) Judge
Ashok	