



CGHC010289892018



2026:CGHC:29758

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6095 of 2018**

- Mariyanus Ekka S/o Shri Santari Ekka Aged About 46 Years By Caste-Uraon, R/o- Village And Post- Gajma, Thana And Tahsil- Manora, Civil And Revenue District- Jashpur, Chhattisgarh.

... Petitioner(s)**versus**

1. State Of Chhattisgarh Through- The Secretary, Revenue And Disaster Management Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, District- Raipur, Chhattisgarh.
2. Commissioner Surguja Division Ambikapur, District- Surguja, Chhattisgarh.
3. Tahsildar Manora, District- Jashpur, Chhattisgarh.
4. Subodh Kumar Tirkey S/o Late Shri Benedikt Tirkey Aged About 50 Years R/o- Village And Post- Kulador, Thana And Tahsil- Manora, Civil And Revenue District- Jashpur, Chhattisgarh.
5. Suman Kumar Tirkey S/o Late Shri Benedikt Tirkey R/o- Village And Post- Kulador, Thana And Tahsil- Manora, Civil And Revenue District- Jashpur, Chhattisgarh.
6. Liander Tirkey S/o Late Benedikt Tirkey Aged About 50 Years R/o- Village And Post- Kulador, Thana And Tahsil- Manora, Civil And Revenue District- Jashpur, Chhattisgarh.

... Respondent(s)

For Petitioner	: Mr. Rajendra Patel, Advocate holding the brief of Mr. Sunil Sahu, Advocate
For State	: Mr. Keshav Gupta, Government Advocate
For Respondent No. 4	: Mr. Shrikant Kaushik, Advocate holding the brief of Mr. Rishikant Mahobia, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****14.07.2026**

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ by quashing the impugned order dated 18.06.2018 (Annexure P-1)

passed by the Commissioner.

10.2 That the respondent's authority may kindly be directed to produce all the records which relates to appointment of Kotwar at Village Gajma for kind perusal of this Hon'ble court.

10.3 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Learned counsel for the petitioner would submit that initially petitioner was appointed as a Kotwar of Gram Panchayat, Village Gajma, and subsequently, said order was challenged by respondent No. 4 by filing an appeal before the Sub-Divisional Officer, which was dismissed. Mr. Patel would contend that second appeal was preferred before the Commissioner, which has been allowed holding that the petitioner is no more and such finding is erroneous as petitioner is still alive. He would pray to set-aside the order passed by the Commissioner, Surguja Division dated 18.06.2018.
3. A direction was issued to the State to verify as to whether petitioner is alive or not. It is informed by Mr. Keshav Gupta, Government Advocate that as per communication received, the petitioner is still alive.
4. Having considered the above-discussed fact, the order passed by the Commissioner dated 18.06.2018 is not sustainable in the eyes of law, accordingly, **set-aside**. The matter is remitted back to the Commissioner, Surguja Division to decide it afresh on merits, strictly in accordance with the law.
5. The parties are directed to appear before the Commissioner, Surguja Division on **19.08.2026**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE