

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 486 of 2015

1. Niranjan Sahu S/o Shri Vishal Nath Sahu, Aged About 48 Years Caste- Sahu, R/o
EWS-26, Maharana Pratap Nagar, Korba, Tehsil & Distt.- Korba, Chhattisgarh

---- Petitioner

Versus

1. Shri Gajendra Singh Thakur, Sub Divisional Officer (Revenue) Korba, Distt.-
Korba, Chhattisgarh
2. Shri Ram Singh Thakur, The Then Tehsildar, Korba At Present Working As Deputy
Collector, Kanker, North Bastar, Distt.- North Bastar Kanker, Chhattisgarh
(Contemnors)

---- Respondents

For Petitioner.

: Shri Sanjay Patel Advocate.

For Respondent/State.

: Neeraj Kumar Sharma, Dy. Govt.
Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/11/2015

Heard.

1. Learned counsel for the petitioner submits that respondents have been passing various orders which are in utter violations and disobedience of order dated 04.08.2014 passed in WP227 No. 577/2014.
2. Vide order dated 04.08.2014 this Courts observed that it would be proper that the petitioner avail the statutory remedy of appeal. It was also directed that till petitioner's application for stay is decided by the Collector in appeal, the order passed by the SDO shall not be given effect to.

The limited protection granted to the petitioner was that the order of SDO, till decision of stay application in appeal, shall not be given effect to.

3. From order date 06.10.2015 of the Commissioner it is reflected that in view of the order of this Court the appeal which was filed by the petitioner before the Commissioner was transferred to the Collector.

At this stage, it needs to be clarified that the order dated 04.08.2014 was passed by this Court on the Statement, regarding availability of remedy of appeal before the Collector. This Court has not decided whether the appeal would be competent before the Collector or the Commissioner. The Collector, before whom the appeal is now pending, shall decide the issue of maintainability of appeal on its own merits.

4. The Tehsildar as well as SDO have passed various orders on 16.01.2015, 11.08.2015, 14.09.2015 and 24.02.2015.

5. Without deciding the validity of theses proceedings at this stage, considering that much confusion has crept in before various authorities, I need to clarify that neither the SDO nor the Tehsildar shall pass any further orders in the matter till the Collector decides the appeal one way or the other. The status quo which prevails as on today shall be maintained.

6. The Collector while deciding the appeal shall pass all consequential orders dealing with various orders which have been passed by Tehsildar and SDO after the order passed by this Court on 04.08.2014.

7. Accordingly, the contempt petition is finally disposed off.

8. Certified copy as per rules.

Manindra Mohan Shrivastava

Judge