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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 55 of 2008**

- Devcharan, S/o Itwari (Itwariram) Aged About- 26 years, Caste- Mahara, Occupation- Working as Kotwar of village Badara (B), R/o village Badara (B) Post- Badara(B), Thesil- Mungeli, Distt.-Bilaspur (C.G.)

---- Petitioner**Versus**

1. Ramnarayan, S/o-Panchram Panchram, Aged about-30 years, Caste-Satnami, R/o Village-Badara (B), Post Badara(B), Thesil-Mungeli, Distt.-Bilaspur (C.G.)
2. Board of Revenue, Bilaspur (C.G.)
3. Collector, Bilaspur (C.G.)
4. Additional Collector, Bilaspur (C.G.)
5. Sub Divisional Officer(revenue), Mungeli, Bilaspur (C.G.)
6. Tehsildar, Mungeli, Distt. Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Ashutosh Shukla, Advocate
For Respondent No.1	:	Shri LC Dash, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/02/2016**

1. Petitioner's father Itwari was a permanent Kotwar of village Badara (B), Tehsil & District Mungeli. As there were some charges of commission of misconduct by Itwari, he resigned from the office, which occasioned appointment of a temporary Kotwar, however, the Gram Panchayat, in its resolution dated 7-3-03 did not recommend petitioner's appointment as temporary Kotwar. Despite the said negative recommendation the petitioner

was appointed as temporary Kotwar by the Additional Tehsildar, Sargaon on 25-3-03.

2. Placing reliance on the resolution passed by the Gram Panchayat on 7-3-03, respondent No.1 moved an application before the Additional Tehsildar for removal of the petitioner from the office of Temporary Kotwar and appointing him (respondent No.1) as permanent Kotwar. This application was allowed by the Additional Tehsildar vide its order dated 5-6-04 and respondent No.1 was appointed as permanent Kotwar.
3. Challenging the order passed by the Additional Tehsildar on 5-6-04, the petitioner preferred an appeal before the SDO, Mungeli which was allowed vide order dated 30-1-06 and petitioner's appointment as temporary Kotwar was continued. Against this order of SDO, respondent No.1 preferred second appeal before the Additional Collector, which was dismissed on 15-6-06 and thereafter, respondent No.1 preferred revision application before the Board of Revenue, which has been partly allowed by the impugned order and the issue concerning appointment of permanent Kotwar has been remitted back to the Tehsildar.
4. In this writ petition an order of status-quo was passed on 5-2-08 which is operative for about 8 years.
5. In view of the fact that a temporary Kotwar is appointed for a limited period as a stopgap arrangement and there has to be a permanent Kotwar in every village, the petitioner cannot claim that he should be allowed to function as temporary Kotwar forever.
6. Needless to say that in any fresh proceeding drawn by the Tehsildar for appointment of permanent Kotwar, candidature of petitioner and respondent

No.1 along with other applicants be considered by the Gram Panchayat and the Tehsildar, in accordance with law.

7. For the foregoing, the writ petition is disposed of with a direction that the concerned Gram Panchayat shall take up steps for recommending name of a suitable candidate for appointment as permanent Kotwar and thereafter considering the same and all other relevant aspects as provided under the Rules framed under section 230 of the Chhattisgarh Land Revenue Code, 1959, the Tehsildar or Additional Tehsildar shall take steps to appoint permanent Kotwar for village Badara (B), tehsil & district Mungeli. Let the proceedings be completed within a period of four months from the date of presentation of certified copy of this order before the Additional Tehsildar/Tehsildar and the Gram Panchayat.
8. For a period of four months from today, the interim order of status-quo passed by this Court on 5-2-08 shall remain operative and the petitioner shall be allowed to continue as temporary Kotwar, if he is still working on the post.

Sd/-
Judge
Prashant Kumar Mishra

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