

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 489 of 2016

1. Ramlagan S/o Late Mohan Aged About 62 Years R/o Ward No. 9 Balrampur P.S. & Tahsil Balrampur Distt. Balrampur Ramanujganj (Chhattisgarh)
2. Satish Kumar Gupta S/o Late Murlidhar Gupta Aged About 30 Years R/o Ward No. 9 Balrampur P.S. & Tahsil Balrampur Distt. Balrampur Ramanujganj (Chhattisgarh)

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur Distt. Raipur (Chhattisgarh)
2. The Collector Balrampur Distt Balrampur Ramanujganj (Chhattisgarh)
3. The Tahsildar Balrampur Distt Balrampur Distt Balrampur Ramanujganj (Chhattisgarh)

---- **Respondents**

For Petitioners	:	Mr. A.N. Pandey, Advocate.
For State	:	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/02/2016

Heard.

1. This petition is directed against order dated 12.02.2016 passed by Tahsildar.
2. Upon being enquired whether the petitioners have remedy of appeal under the provisions of the Land Revenue Code, learned counsel for the petitioners could not dispute that he has an alternative statutory remedy of preferring an appeal and also making a prayer for stay of the order of

Tahsildar.

3. This Court fails to understand why the petitioners have rushed to the High Court instead of filing of appeal before the Sub-Divisional Officer, who is the Competent Authority with power to grant interim order also. There is nothing in the petition which shows that for any reason, the SDO has disqualified himself to act as Appellate Authority. The presumption is that every public authority shall act in accordance with law.

4. This petition is, therefore, misconceived and dismissed with liberty to file appeal before the Competent and Jurisdictional Sub-Divisional Officer.

5. Quite reluctantly, however, considering that the matter relates to notice of demolition, it is directed that for a period of five days, the petitioners' house shall not be demolished.

6. Certified copy today.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E