

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 320 of 2016

1. Vidhyadhar Das Mahant S/o Late Shri Bhalidhar Das, Aged About 46 Years R/o Gram Basantpur, Tehsil And District Raigarh, Chhattisgarh 496001
2. Punamdass Mahant, S/o Late Shri Bhalidhar Das, Aged About 42 Years R/o Gram Basantpur, Tehsil And District Raigarh, Chhattisgarh 496001
3. Panchram Mahant, S/o Late Shri Bhalidhar Das, Aged About 40 Years R/o Gram Basantpur, Tehsil And District Raigarh, Chhattisgarh 496001
4. Bundelabai Mahant W/o Late Shri Bhalidhar Das, Aged About 62 Years R/o Gram Basantpur, Tehsil And District Raigarh, Chhattisgarh 496001

---- **Petitioners**

Versus

1. Mr. Atul Shethe Aged About 50 Years At The Time Of Order Was Posted As Tahsildar Raigarh, (Presently Posted As S. D. M. Laillunga), In The Office Of The S.D.M. Laillunga, Tehsil And District Raigarh, Chhattisgarh 496001
2. Mr. Shivnandan Sahu, Aged About 55 Years Presently Posted As Tahasildar Raigarh, The Office Of The Tahsil Office Raigarh, Tehsil And District Raigarh, Chhattisgarh 496001
3. Mr. Alarmel Mangae Di Aged About 42 Years Presently Posted As Collector, Raigarh, In The Office Of The Collector Office Raigarh, Tehsil And District Raigarh, Chhattisgarh 496001.....(Respondents)

---- **Respondents**

For Petitioners : Mr. Vijay K. Deshmukh, Advocate.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/08/2016

Heard on admission.

Submission of learned counsel for the petitioners is that though there was an order passed by this Court on 24.01.2013 for making fact finding

enquiry as to whether the land in dispute is service land or *Maphi* land, no enquiry was made, the matter was kept pending and thereafter when some other person moved application claiming the land to be service land, in a slipshod enquiry, without detailed enquiry as directed by this Court, it has been recorded by the Tahsildar that the land is a service land and not *Maphi* land.

2. Irrespective of the merits of the claim of the petitioners, I find that it was brought to the notice of the Tahsildar that an order has been passed earlier by this Court. The Tahsildar has recorded a finding based on certain materials that the land in dispute is a service land and not *Maphi* land.

3. Therefore, it cannot be said to be a case of willful disobedience. I am not inclined to initiate contempt proceeding and the contempt petition is therefore dismissed reserving liberty to the petitioner that if the petitioner is aggrieved by the order of the Tahsildar, his remedy lies in challenging order passed by Tahsildar by way of appeal or such other remedy as may be available to him under the provision of the Chhattisgarh Land Revenue Code.

Sd/-
(Manindra Mohan Shrivastava)
Judge