

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1510 of 2015

Kailash Agrawal @ Kallu, S/o late Trilokchand Agrawal, aged about 50 years, R/o Ward No.3, Main Road, Surajpur, District Surajpur (C.G.) At present R/o Drishti Optical, Deepka, Katghora Road, Post Deepka, District Korba (C.G.)

---- Petitioner

Versus

1. Dharamchand Agrawal, S/o late Harfulmal Agrawal, R/o Nehru Park Road, Surajpur, Tahsil and District Surajpur (C.G.)
2. State of Chhattisgarh, through: Tahsildar, Surajpur, District Surajpur (C.G.)
3. Sub-Divisional Officer (Revenue) Surajpur, District Surajpur (C.G.)
4. Additional Commissioner, Surguja Division, Ambikapur, Surguja (C.G.)

---- Respondents

For Petitioners	:	Shri R.S.Baghel, Advocate.
For Respondent No.1	:	Shri Manoj Paranjpe, Advocate.
For Respondent/State	:	Shri Avinash Singh, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/07/2016

By the impugned order 26.11.2014, the Commissioner, Surguja Division, has partly allowed the appeal preferred by respondent No.1 and has remanded the matter back to the Tahsildar for decision afresh.

2. Learned counsel for the parties would make joint submission that the Appellate Authority under the Chhattisgarh Land Revenue Code, 1959 (for short 'the Code') has no power to remand the matter, in view of the proviso to Section 49 (3) of the Code.
3. In view of the statutory bar, instead of remanding the matter back to the subordinate revenue authority, the Commissioner should have decided the matter on its own merits.
4. Accordingly, the writ petition is disposed of with a direction to the Commissioner, Surguja Division to re-hear the parties and decide the matter on merits.

Sd/-
Judge
(Prashant Kumar Mishra)

