

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (C) No.1614 of 2016**

Narad Das, S/o Lacchan das, aged about 45 years, R/o Village-Lilalwakapa, P.O. Newaspir, tehsil & Distt.-Mungeli (C.G.)

---- **Petitioner.****Versus**

1. State of Chhattisgarh, through the Secretary, Revenue Development Department, Mahanadi Bhawan, Naya Mantralaya, New Raipur, (C.G.)
2. Collector, Mungeli, Distt. - Mungeli (C.G.)
3. Smt. Shashikala Kesharwani, W/o Shri Kishori Lal Kesharwani, R/o village-Mungeli, Tehsil & Distt. - Mungeli (C.G.)

---- **Respondents**

For Petitioner	:	Shri G.P.Kurre, Advocate.
For Respondent/State	:	Shri U.N.S.Deo, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/06/2016**

1. Petitioner is aggrieved by the order passed by the Collector, Mungeli, on 01.04.2016 allowing the application preferred by respondent No.3 for diversion of agricultural land for industrial use under Section 172 of the Chhattisgarh Land Revenue Code, 1959 (for short 'the Revenue Code').
2. It is argued that the petitioner was present before the O.S.D. (Diversion) on 18.01.2016 but was not informed about the further date of hearing.
3. In the considered opinion of this Court, respondent No.3 sought diversion of her own land which the petitioner is not at all concerned except on the plea that industrial use of the adjoining land by respondent No.3 would cause inconvenience to him. The order of O.S.D. (Diversion) also records that respondent No.3 has

obtained 'No Objection Certificate' from six departments along with the resolution and N.O.C. of concerned Panchayat.

4. If the petitioner is aggrieved by the order passed by the Collector, he is at liberty to prefer an appeal under Section 44 of the Revenue Code.

5. This writ petition under Article 226 of the Constitution of India is thus not maintainable for non-availing the statutory alternative remedy of appeal under the Revenue Code. Accordingly, it is dismissed. If the petitioner wants to prefer an appeal under the Revenue Code, then he is at liberty to move such appeal in accordance with law.

Sd/-
Judge
(**Prashant Kumar Mishra**)