

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT CASE (C) No. 142 of 2016

- Suresh Sharma S/o Late Puran Sharma, Aged About 73 Years
Occupation Carpenter, R/o Village Nagar, Ramanujganj, Ward No. 13,
Police Station And Tahsil Ramanujnagar, Police And Revenue District
Balrampur-Ramanujganj, Civil District Surguja, Chhattisgarh

---- Petitioner

Versus

- Kunjilal , Tahsildar, Ramanujganj, District Balrampur-Ramanujganj,
Chhattisgarh(Contemnor)

---- Respondent

For Petitioner : Shri AK Yadav, Advocate.
For Respondent : Shri Rakesh Jha, Advocate along with the respondent.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

25/10/2016

The petitioner approached this Court by filing WPC No.1020/15 alleging in it that his application under Order 250(3) of Land Revenue Code is pending before the Tehsildar, Ramanujganj since 28.10.2014 but the same has not been decided. The said writ petition was disposed of by this Court vide order dated 19.6.2015 (Annexure P/1) directing the Tehsildar to decide the pending application of the petitioner expeditiously.

According to the petitioner, on 29.7.2015 (Annexure P/2) he submitted the order passed by this Court before the Tehsildar and requested him to pass appropriate order on his pending application. When nothing was done, on 11.1.2016 another application (Annexure P/3) was filed

by the petitioner before Tehsildar but here again no action was taken by the Tehsildar. Ultimately, on 21.3.2016 the petitioner filed the present contempt petition before this Court and after hearing the petitioner, notice was issued to the respondent. In reply, the respondent has filed various order sheets showing that after order being passed by this Court, the proceedings started; initially, the petitioner did attend the Court but thereafter he remained absent and ultimately, on 22.3.2016, an order was passed by the Tehsildar rejecting the application as filed by the petitioner under Section 250(3) of Land Revenue Code.

03. Counsel for the petitioner submits that the order dated 22.3.2016 is a backdated order which has been passed only after filing the contempt petition by the petitioner otherwise Tehsildar was simply adjourning the matter and was harassing the petitioner. He submits that in the Court of Teshildar, daily diary is being maintained and in the said diary, entry of important dates of the petitioner's case is not there, which itself demonstrates that the order dated 22.3.2016 is a backdated order. He submits that if this Court orders for an enquiry into the matter by the Collector, then he may also be permitted to assail the validity of order dated 22.3.2016 before the Collector directly and the Collector may be directed to decide the same in accordance with law.

04. Respondent-contemnor submits that in his office, register is being maintained in which daily entry of the cases is made and in the case of the petitioner also, day to day entry was made.

05. Pursuant to request made by this Court on previous date, State

counsel has made statement that no such diary was maintained by the respondent, at least in relation to petitioner's case.

06. Considering the facts and circumstances of the case, the nature of allegation made by the petitioner against the respondent having an important bearing on the order dated 22.3.2016, this Court feels that a fact finding enquiry is necessary in this case. Therefore, the Collector concerned is directed to conduct an enquiry in this matter regarding the conduct of the respondent and to pass appropriate order in accordance with law. The petitioner may also challenge the validity of the order dated 22.3.2016 before the Collector by filing appeal within three weeks from today. In the event of filing any such appeal, the Collector shall decide the same in accordance with law, ignoring the point of limitation.

In case, the Collector comes to the conclusion that the respondent is making incorrect statement, he is at fault and the order dated 22.3.2016 is backdated, the Collector would not only be at liberty to decide the validity of the order dated 22.3.2016 but would also be at liberty to take appropriate action, including departmental action, against the respondent in accordance with law.

07. With the aforesaid observations, the petition stands disposed of.

Sd/

(Pritinker Diwaker)

Judge