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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.3378 of 2017

Komal Agrawal, D/o Shri Ganesh Lal Agrawal, aged about 23 years, R/o Purana Sadar Bazar, Raigarh, Tahsil and District Raigarh, Civil and Revenue District Raigarh (CG).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector Raigarh District Raigarh Chhattisgarh.
2. Sub Divisional Officer (Revenue), Raigarh District Raigarh, Chhattisgarh.
3. Tahsildar Pusaur, District Raigarh, Chhattisgarh.
4. Nayab- Tahsildar Pusaur, District Raigarh, Chhattisgarh.

--- Respondents

For Petitioner : Mr. Manoj Kumar Sinha, Advocate
For State : Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

13/12/2017

(1) This Court by order dated 21.06.2016 passed in WPC No.1531 of 2016 had directed the Sub Divisional Officer (Revenue) and Tahsildar to provide an opportunity of hearing to the petitioner.

(2) It is the case of the petitioner that the Sub Divisional Officer (Revenue) has not given an opportunity of hearing to the petitioner before granting permission for review of the mutation order dated 24.10.2016 and thereafter the Tahsildar has passed the final order, which is unsustainable and bad in law. The Sub Divisional Officer (Revenue) has passed the order dated 24.10.2016 by which permission has been granted under Section 51 of Chhattisgarh Land

Revenue Code for review of the order dated 05.09.2014 passed by Tahsildar, Pusaur and thereafter the petitioner has appeared in the proceeding before the Tahsildar and final order has been passed on 30.01.2017, which has been challenged.

(3) The petitioner is challenging the orders of the Sub Divisional Officer and the Tahsildar both. Under Section 44(1)(b) of the Chhattisgarh Land Revenue Code, if any order is passed by the Sub Divisional Officer, an appeal would lie before the Collector. The order dated 30.01.2017 is a consequential order. The petitioner should have preferred an appeal before the Collector under Section 44(1)(b) of the Chhattisgarh Land Revenue Code against the order of Sub Divisional Officer which is maintainable, but the petitioner has not preferred any appeal and has filed the instant writ petition. The petitioner is at liberty to challenge the order of Sub Divisional Officer before the appellate Court.

(4) Thus, in this way, the instant writ petition is not maintainable and it is accordingly dismissed. However, the petitioner is at liberty to challenge the order of the Sub Divisional Officer before the appellate Court in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-