

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 913 of 2017

Shyamal Bhadra S/o Prafull Bhadra, Aged About 60 Years R/o Pakhanjur Colony,
Tahsil Pakhanjur, District North Bastar Kanker (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh)
2. The Collector, District North Bastar, Kanker Chhattisgarh
3. The Tahsildar, Pakhanjur, District North Bastar Kanker (Chhattisgarh)
4. The Nagar Panchayat, Pakhanjur, Through The Chief Municipal Officer, Nagar Panchayat, Pakhanjur, District North Bastar Kanker (Chhattisgarh)

---- Respondents

Shri Mukesh Shrivastava, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Adv. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/04/2017

Though the petitioner seeks to challenge order of cancellation of *patta* by the Collector on various grounds, I find that the petitioner was issued a notice, to which, reply has also been filed and thereafter, the impugned order has been passed.

It is not a case where the Collector has passed an order without any jurisdiction. There is no personal malice alleged against the Collector who has passed the order. Therefore, in the absence of there being any extra ordinary ground to interfere with the impugned order, without insisting upon exhaustion of alternative remedy, I am not inclined to interfere with the impugned order when the petitioner has an alternative and efficacious remedy of filing of statutory appeal

under Section 44 of the Land Revenue Code to challenge the order of the Collector.

In view of the above, this petition is dismissed with liberty to file appeal before the competent appellate authority.

Certified copy of the impugned order be returned back to the petitioner after retaining photo copy of the same.

The period during which this petition remained pending before this Court may be claimed for the purposes of exclusion while computing period of limitation in filing appeal.

Sd/-

(Manindra Mohan Shrivastava)
Judge