

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.913 of 2017

Alkhuram Sahu S/o Shri Aajuram Sahu, Aged About 55 Years
Occupation Service, R/o Ward No.12, Near Shriram Mandir, Surki
Talab, Nawagarh, Tahsil And Police Station Nawagarh, District
Bemetara (Chhattisgarh), Office Of Patwari Halka No.18, Tahsil
Nawagarh, Civil And Revenue District Bemetara (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through: The Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Bemetara, District Bemetara, (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Bemetara, District Bemetara, (Chhattisgarh)
4. Tahsildar, Nawagarh, District Bemetara (Chhattisgarh).

---- **Respondents**

For Petitioner
For respondent/State

Shri PP Sahu, Advocate.
Shri B Gopa Kumar, Deputy Advocate
General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/02/2017

1. This is second round of litigation. First round of litigation was WPS NO.5008 of 2015 decided on 04.01.2016 in which considering the fact that impugned order was appealable order, the writ petition was disposed of granting liberty to the petitioner to prefer an appeal before the Collector, Bemetara, who in turn shall decide the appeal within a period of three months from the date of receipt of the appeal.
2. Counsel for the petitioner submits that immediately after disposal of the writ petition, the petitioner preferred an appeal on 12.01.2016 before the Collector and the Collector in turn has registered the

appeal as appeal No.5/2015-16 as is reflected from Annexure P/10 with the petition. He further submits that though the appeal was registered on 12.01.2016, the said appeal till date has not been decided inspite of there being specific direction for deciding the appeal within three months.

3. The order sheet shows that the Collector has not proceeded with the case with all seriousness even on a single date and has adjourned the matter for one reason or the others. This conduct of the Collector is not at all appreciable. The statutory appeal which has been preferred before the statutory appellate authority has to be decided and proceeded with in all seriousness. The collector has not even take care to the direction of this court passed in the earlier writ petition on 04.01.2016 wherein direction for expeditious trial was ordered for. This attitude of the Collector is nothing short of a contempt of court for willful disobedience of the High Court's order. Neither has the collector proceeded with the matter with all seriousness nor has sought for any extension of time for compliance of order dated 04.01.2016.
4. This court at this juncture does not intend to draw contempt proceeding against the Collector for non compliance of its order dated 04.01.2016 passed in WPS No.5008 of 2015. However, it is expected that the Collector shall now take into consideration the directives given earlier on 04.01.2016 and shall try to decide the appeal pending before it as early as possible preferably within a further period of three months from the date of next date of hearing. It shall be the responsibility of the petitioner to apprise the order of this court to the

appellate authority on the next date of hearing.

5. With the aforesaid direction, the present petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder