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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 570 of 2018**

- Maniram Chelak S/o Late Jairam Satnami, Aged About 57 Years Legal Heir of Jaitram Satnami (Died) The Original Petitioner, R/o Village Pirda, Tahsil And District Raipur Chhattisgarh. Petitioner Is Represented Through Power of Attorney Holder Radheshyam Vibhar, S/o Late Shri Raghu Vibhar, Aged About 49 Years, R/o Near Sai Mandir, WRS Colony, Police Station Khamtarai, Raipur, Tahsil And District Raipur Chhattisgarh

---- Petitioner**Versus**

1. The State of Chhattisgarh Through The Collector, Raipur, District Raipur Chhattisgarh
2. The Sub Divisional Officer (Revenue), Raipur, District Raipur Chhattisgarh
3. The Tahsildar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri SC Verma, Advocate
For Respondent/State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/07/2018**

1. Heard.
2. Learned counsel for the petitioner submits that despite the order of the Board of Revenue to mutate the land declaring the petitioner is the owner in the year 2010, when on an application filed, the mutation was commenced before the Tehsildar, the Tehsildar by its order dated 01.02.2017 has refused to obey the orders of the Board of Revenue on the ground that the order of the Board of Revenue needs to be reviewed and made a reference for review. The counsel submits that the Tehsildar do not have any such

power under the Chhattisgarh Land Revenue Code, 1959.

3. Perused the order dated 01.02.2017, prima facie, it appears that the Tehsildar primarily has disobeyed the order of the Board of Revenue and has refused to follow the directions of the Board of Revenue dated 13.12.2010 on mutation. One statutory authority exercising judicial or quasi-judicial function may not be happy with any order of his appellate authority but under any circumstances the direction so given by the higher appellate forum cannot be overreached. Considering the entire facts & circumstances of the case, the writ petition is disposed of with a direction that the order dated 01.02.2017 passed by the Tehsildar is set aside and the Tehsildar is further directed to proceed in accordance with law under Section 110 & 109 of the Chhattisgarh Land Revenue Code, 1959 for mutation proceedings.

Sd/-

Goutam Bhaduri
Judge

Ashu