

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPT NO.1945 of 2018**

Ghanshyam Patel son of Rohit Kumar, aged about 38 years, resident of Village-Tapraanga, Tahsil-Tamnara, District-Raigarh (CG)

----Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Revenue and Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. The Collector, District-Raigarh (CG)
3. The Tahsildar, Tamnara, District-Raigarh (CG)

---- Respondents

For Petitioner	:	Mr.K.K.Pandey, Advocate
For Respondents	:	Mr.Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/07/2018**

1. Learned Panel Lawyer for the respondents/State would submit that order rejecting his application for diversion is appealable under Section 44 (1) of the Chhattisgarh Land Revenue Code, 1959 (hereinafter called as 'Code'), therefore, the present writ petition is not maintainable.
2. Learned counsel for the petitioner would submit that the impugned order is without jurisdiction and without authority of law, therefore, the writ petition is maintainable.
3. I have heard learned counsel for the parties.
4. Since the order is appealable before the appellate authority under Section 44(1) of the Code, the present writ petition is not maintainable. Accordingly, it is dismissed. However, the petitioner is at liberty to prefer an appeal before the appropriate authority.

Certified copy of the order dated 28.6.2017 be returned to counsel for the petitioner after furnishing attested photocopy thereof.

5. Needless to say, if the appeal is preferred, the appellate authority would do well to dispose of the same expeditiously preferably within two months from its receipt. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-