

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4763 of 2018**

Vishram Jangde S/o Late Heeraman Jangde, Aged About 49 Years Post -
Patwari, R/o H 3a Main Road, Mova Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Collector, Land Records Branch) District Raipur Chhattisgarh.
3. Sub Divisional Officer (Ra.) Raipur, District Raipur Chhattisgarh.
4. Virendra Jhha (Patwari), Tatibandh, P.H. No. 54, Tehsil Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Pawan Kesharwani, Advocate.
For Respondents	:	Shri Ratan Pusty, Govt. Advocate.

SB: Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2018**

1. The present is yet another classic example of the misuse of the judicial process. The petitioner in the present petition has questioned the posting order dated 05.07.2018 passed by the Sub Divisional Officer (Revenue) Raipur.
2. The petitioner projecting the impugned order as an order of transfer have challenged the same by way of writ petition on the ground that the same is malafide as it has been passed to accommodate the respondent No.4 and secondly the same has been passed without assigning any reason or justification which necessitated issuance of the impugned order. It was also the contention that as of now there is a ban on transfer imposed by the State Government and therefore

the impugned order could not have been issued by the authorities.

3. Without entering into any of the grounds which have been raised by the petitioner, all that this court wants to highlight is the fact that the order under challenge firstly is not an order of transfer and it is only an administrative internal order passed by the SDO making change of place of posting of different Patwaris working under him.
4. This court also is not inclined to entertain the writ petition for the reason that the two places i.e. the place where the petitioner is presently working i.e. Shankar Nagar, Raipur and the place where he has been posted by the impugned order i.e. Tatibandh, Raipur, is too short a distance which could, in any manner, create any inconvenience whatsoever to the petitioner. There is no change of headquarter, no change of residential quarter, no disturbance in the family. In spite of all these, the petitioner has yet thought of filing the present petition challenging the impugned administrative decision in the nature of posting order, primarily for the reason that the petitioner thinks that the order has been passed only to accommodate the respondent No.4.
5. The courts have been time and again laying emphasis discouraging frivolous, unwarranted and luxuries litigation. At the same time, the Supreme Court as well all the High Courts in the country are striving hard to curtail and reduce the pendency of cases and at this juncture and under such prevailing circumstances the petitioner herein thinks of challenging the posting order where the distance between two places is hardly 10 km.

6. It is high time that there is some deterrent put on such litigants by the courts to ensure that unwarranted, luxuries and fictitious litigations are avoided. It should also give a message to the other persons who also should not venture from filing unnecessary writ petitions in the High Courts without there being any infringement of any of their fundamental rights or there being any detrimental action or order passed against them.
7. For all the aforesaid reasons, this court is of the opinion that present is a fit case where the petition deserves to be dismissed with heavy costs and as such this court quantifies the cost at Rs.25,000/- to be paid by the petitioner within a period of 30 days from today before the High Court Legal Services Authority. In case if the said amount is not deposited, the same could be recovered by way of revenue recovery proceedings.
8. The writ petition accordingly stands dismissed with costs.

Sd/-

(P. Sam Koshy)
Judge