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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2136 of 2018**

Chhabishankar Gupta S/o Sevak Ram Gupta, Caste Kolta, aged about 37 years, R/o Village Dhaurabhantha, Tahsil Tamanar, District Raigarh (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Collector, District Raigarh (C.G.)
3. The Tahsildar, Tamnar, District Raigarh (C.G.)

---- Respondents**And****WPC No. 2159 of 2018**

Sarad Kumar Khamhari S/o Daulat Ram Cast Kolta, aged about 37 years, R/o Village Dhaurabhantha, Tahsil Tamanar, District Raigarh (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue and Disaster Management Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
2. The Collector, District Raigarh (C.G.)
3. The Tahsildar, Tamnar, District Raigarh (C.G.)

---- Respondents

For Petitioners	:	Mr. Kamlesh Kumar Pandey, Advocate.
For Respondents/State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/08/18**

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 petitions are not maintainable.

2. Learned counsel for the petitioners would submit that the impugned order is without jurisdiction and without authority of law, therefore, the writ petitions are 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 petitions are not maintainable. Accordingly, it is dismissed. However, the petitioners are at liberty to prefer an appeal before the appropriate authority in accordance with law.

5. Needless to say, if the appeal is preferred, the appellate authority shall do well to dispose of the same expeditiously, preferably within a period of two months from the date of its receipt.

6. Certified copy of the order dated 28.6.2017 be returned to counsel for the petitioners after furnishing attested photocopy thereof. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge