

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2926 of 2018

1. Vyas Narayan Tiwari S/o Shri Ram Sharan Tiwari, Aged About 57 Years
2. Shiv Narayan Tiwari S/o Shri Ram Sharan Tiwari Aged About 51 Years

Both R/o Village Rawan, Tehsil and District Baloda Bazar,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Additional Tehsildar, Bilaspur, District Bilaspur Chhattisgarh
2. State Of Chhattisgarh, Through Additional Tehsildar, Bilaspur, District Bilaspur Chhattisgarh
3. Patwari, Patwari Halka Number - 15, Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Petitioners
For Respondent-State

Shri Achyut Tiwari, Advocate
Ms. Astha Shukla, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

23/10/2018

1. Petitioners' application for execution of the order passed by the Board of Revenue is pending consideration before the Additional Tehsildar, Bilaspur. On an earlier occasion, petitioner had preferred WP227 No.417/2018 making similar prayer, however, this Court on 08.05.2018 passed the following order:-

“1. The present petition is to expedite the mutation proceeding as directed by the Board of

Revenue which is to be carried out by the Tahsildar.

2. Under the facts of this case, it would be too much extension of the Article 227 of Constitution of India to stretch upon by order of the High Court to direct the Tahsildar/ Patwari to execute the order passed by the Board of Revenue. The petitioner would be at liberty to approach the concerned Revenue Board or the higher authorities of Tahsildar claiming execution of the order of the Revenue Board.

3. With such liberty, the petition stands disposed off."

2. Learned counsel for the petitioner would submit that prayer for expediting the proceedings pending before the Sub-ordinate Revenue Authority was denied to the petitioners, as the earlier petition was under Article 227 of the Constitution of India. Therefore, the present petition under Article 226 of the Constitution of India has been preferred.
3. Be that as it may, since once this Court has denied indulgence to the petitioners reserving liberty in their favour to move before the Tehsildar, no separate order in this regard is necessary. The Tehsildar is expected to proceed with the matter to decide the petitioners' application in the teeth of the order passed by the Board of Revenue in favour of the petitioners.
4. The writ petition is disposed of reserving liberty in favour of the petitioners to move again if the Tehsildar fails to proceed further in the matter within a period of 3 months from today.

Sd/-
Prashant Kumar Mishra
Judge