

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1976 of 2019

Vimlesh Mehta S/o Shri Bhagirath Mehta, Aged About 35 Years, R/o
Near Kamla Bhawan, Post Ambikapur, District Surguja, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District - Raipur Chhattisgarh
2. Deputy Collector, Surajpur, District – Surajpur, Chhattisgarh
3. Sub Divisional Officer, Pratapur, District - Surajpur Chhattisgarh
4. Tahsildar, Pratapur, District – Surajpur, Chhattisgarh
5. Ramsaran Rajwade S/o Ram Sai Rajwade, Aged About 48 Years, R/o Village Kaushalpur, Post And Tahsil Ramanujnagar, District Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Keshav Prasad Gupta, Advocate
For State	:	Mr. Ishan Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2019

1. The challenge in the present writ petition is to the order of termination Annexure P-1 dated 05.03.2019.
2. Perusal of the record it shows that the termination order has been passed in the light of the order passed by the Tahsildar, Pratappur District Surajpur dated 29.11.2018 whereby the Tahsildar has cancelled the domicile certificate issued in favour of the petitioner on the basis of which the petitioner has got his employment. The record shows that

against the order of the Tahsildar dated 29.11.2018 the petitioner has already preferred an appeal before the Sub Divisional Officer, Pratappur, District Surajpur under Section 44(1) of the CG Land Revenue Code which is still pending. Pending the appeal now the impugned order of termination has been passed.

3. This Court is of the opinion that since the order of termination was on the basis of the cancellation of the domicile certificate and that the cancellation of the domicile certificate is already under appeal before the SDO, Revenue, unless the order of the Tahsildar is set aside, the petitioner would find it difficult to challenge the order dated 05.03.2019 i.e. the order of termination. Since the appeal is already seized by the SDO Revenue, it would not be justified in entertaining the writ petition deciding the veracity of the order of termination at this juncture.
4. Given the said fact, this Court is of the opinion that ends of justice would meet, if the petitioner is granted liberty to avail the remedy of appeal before the authority concerned i.e. SDO, Revenue. The SDO Revenue, Pratappur is directed to ensure that the appeal pending before him against the order of the Tahsildar, Pratappur dated 29.11.2018 in respect of the petitioner be decided at the earliest preferably within a period of 90 days from the date of receipt of copy of this order. The right of the petitioner stands reserved to approach this Court in case if need still arises.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge