

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2128 of 2019

Samay Das Avinashi S/o Late Shri Gaukaran Das Aged About 63 Years R/o Village Dongakohroud, Thana And Tahsil Pamgarh, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary Revenue Department Mantralaya Mahanadi Bhawan Capital Complex, Atal Nagar New Raipur, District- Raipur, Chhattisgarh.
2. Commissioner Bilaspur Division Bilaspur, District- Bilaspur, Chhattisgarh.
3. Collector Janjgir, District- Janjgir-Champa, Chhattisgarh.
4. K.S. K. Mahanadi Power Plant Through Its Managing Director, Village And Post- Nariyara, Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh
5. Chief General Manager K.S.K. Mahanadi Power, Village And Post- Nariyara, (Wardha Power Plant) Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh.
6. Managing Director District Industry Center, Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh.

---- Respondents

For petitioner – Shri Sumit Shrivastava, Advocate.
For State-Shri Anmol Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/06/2019

Heard.

1. Objection at the outset has been raised by the learned State counsel that the impugned order is appealable under Section 44 sub section 2(iii) of the C.G. Land Revenue Code before the Board of Revenue as the order has been passed by the Additional Commissioner, Bilaspur.
2. Perusal of the order would show that stay order was passed in

first appeal preferred by the petitioner against the order dated 26/03/2010 and 4/03/2011. Said appeal was preferred under section 44 (1) of the C.G. Land Revenue Code. Since alternative remedy of statutory second appeal is provided under the Land Revenue Code, 1959, I am not inclined to invoke extra ordinary jurisdiction of this court under Article 226 of the Constitution of India.

3. Accordingly, the petition is dismissed as alternative remedy is available to the petitioner. Petitioner, if so advised may prefer second appeal before the Board of Revenue with necessary application for condonation of delay which may be decided as per statute.

4. Registry is directed to return certified copy of the order after retaining photo copy of the same.

Sd/-

(Goutam Bhaduri)

JUDGE