

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3218 of 2019**

Sarveshwar Dayal Mishra, S/o. Late B.D. Mishra, Aged About 58 Years, R/o. MIG-1/841, Amdi Nagar, Hudco, Bhilai, District - Durg, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, Chhattisgarh – 492001.
2. Additional Collector, Durg, District Durg, Chhattisgarh.
3. Additional Tahsildar, Bhilai Nagar, District – Durg, Chhattisgarh.
4. Sheikh Nasruddin, S/o. Late Sheikh Badruddin, Aged About 53 Years, R/o. Q. No.14/A, Street No.21, Sector 2, Bhilai Nagar, District Durg Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. P.R.Patankar with Mr. Abhijeet Mishra, Advocates
For State/Respondents No.1 to 3	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.09.2019

Heard.

1. Learned counsel for the petitioner submits that against the order of the Tahsildar dated 04.06.2019, the revision was preferred before the Additional Collector. It is contended that though the issue is about the faulty demarcation, which was ordered by the Tahsildar, the revision was preferred, which is pending before the Additional Collector. It is stated that the stay application have been filed in such revision petition but could not be heard as the Additional Collector is on leave and it is stated that the Additional Collector has gone for training abroad and in the meanwhile the

Tahsildar is pressing for demarcation of land. It is contended if the demarcation is carried out then in such case the filing of the revision would automatically become infructuous. He referred to the order sheet of the revision bearing No.34/A-12/18-19 and submits till date the Additional Collector is on leave and the cases are not being transferred for hearing to other Court.

2. The contention of the petitioner made at the Bar, if is accepted, it only points out, there is a partial collapse of the justice delivery system. If the Additional Collector is abroad for training, naturally it will take considerable period to return, then in such case, all the cases pending before the Additional Collector cannot be kept in abeyance or shelved for indefinite period. It requires substitution of the authorities to carry out the work. Under the circumstances, it is directed that the revision filed by the petitioner shall be transferred to other authorities who is competent to hear and the authority shall decide the revision of the petitioner within a further period of 90 days and shall adjudicate it. In the meanwhile, till the revision is decided on merits, the order of the Tahsildar dated 04.06.2019 shall not be given effect too.
3. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge