

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 3720 of 2019

1. Raj Kumar Kaushik S/o Late Jwala Prasad Aged About 53 Years R/o Mohtara, Tahsil Bilha, District Bilaspur, Chhattisgarh.
2. Manoj Kumar Kaushik S/o Late Jwala Prasad Aged About 51 Years R/o Mohtara, Tahsil Bilha, District Bilaspur, Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. The Tahsildar Bilha, District Bilaspur, Chhattisgarh.
4. The Nayab Tahsildar Bilha, District Bilaspur, Chhattisgarh.
5. The Station House Officer Police Station Bilha, District Bilaspur, Chhattisgarh.
6. Punau Ram S/o Laxman, R/o Mohtara, Tahsil Bilha, District Bilaspur, Chhattisgarh.
7. Smt. Lata Sharma W/o Jeevan, R/o Amaldih, Tahsil Bilha, District Bilaspur, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Vikas Pandey, Advocate.
For State	:	Shri Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

18.11.2019

1. Challenge in the present Writ Petition is to the order dated 30.04.2019 passed by the Naib Tehsildar Bilha whereby the application preferred by the petitioners seeking possession over the disputed property has been rejected invoking the provisions of Sections 9 & 10 of the Land Revenue Code.
2. This court is of the opinion that the writ petition would not be maintainable as the petitioners have alternative remedy of preferring Civil Suit for possession. In addition, the petitioners also have the remedy of challenging the said order of Naib Tehsildar before the concerned Sub Divisional Officer under Section 44 of the Land Revenue Code.

3. Given the said facts, the writ petition stands dismissed as not maintainable reserving the right of the petitioners to avail the appropriate remedies available under the law.
4. Subject to petitioner's furnishing photo copy, the certified copy of the order under challenge be returned back to the petitioners.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder