

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 882 OF 2020**

- Lavi Khandelwal, aged about 33 years, S/o Dr. Nemichand Khandelwal, R/o near Nehru Garden, Civil Lines, Dak Bangla Ward, Dhamtari, Tahsil & District Dhamtari (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through its Secretary, Department of Revenue, Indravati Bhawan, Atal Nagar, District Raipur (CG)
2. The Collector, Dhamtari, District Dhamtari (CG)
3. The Sub-Divisional Officer (Revenue), Dhamtari, District Dhamtari (CG)
4. The Najul Enquiry Officer, Dhamtari, District Dhamtari (CG)
5. The Tehsildar, Dhamtari, District Dhamtari (CG)
6. Goverdhandas, S/o Late Manikmal, Caste- Sindhi, aged about 56 years, R/o Motor Stand Ward, Dhamtari, Tahsil and District Dhamtari (CG)
7. Smt. Radhabai, W/o Charan Gond (D/o Shuklal Gond), aged about 53 years, R/o Naya Para, Hatkeshwar Ward, Dhamtari (CG)

... Respondents

For Petitioner	:	Mr. Hemant Kumar Agrawal, Advocate.
For Respondent-State	:	Mr. V.R. Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2020**

1. Challenge in the present writ petition is to the order dated 22.8.2019 passed by Tahsildar (Nazul), Dhamtari.
2. Perusal of record would show that the Tahsildar has passed an order of mutation based upon the judgment and decree passed by the competent Court of law in favour of the private respondents in the present writ petition.
3. Both, the judgment and decree passed by the Civil Court as well as the impugned order of mutation dated 22.8.2019, are orders which are appealable under the provisions of law. Since there is a remedy of appeal provided under the statutes for questioning the aforesaid judgment/order, this Court is of the opinion that the present writ petition, on the ground of there being a statutory alternative remedy available, is not maintainable. Moreover, the issues involved in the present writ petition are all disputed questions of fact which again cannot be tested exercising the writ jurisdiction of this Court under Article 226 of the Constitution of India.

4. Accordingly, the writ petition is dismissed. However, the rejection of the present writ petition would not preclude the petitioner from availing other remedies open to him under the law, if the same is permissible.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE