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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1260 of 2020**

Adhar Housing Finance Limited, Regional Office, Third Floor, Laal Ganga Midas, Fafadih, Raipur, Tehsil And District- Raipur, Chhattisgarh, Through Authorized Officer Anirudh Kumar S/o N. Prasad, Aged About 41 Years, Presently Posted As Branch Manager, Employee Code 06003590, First Floor, Krishna Sonchhatra Compound, Near R.N.T. Square, Tarbahar Road, Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. Vijay Dubey S/o Shri Shivchand Dubey, Aged About 39 Years, R/o House No. 142, Naya Aamapara, Durg, Tehsil And District- Durg, Chhattisgarh
2. Vishal Dubey S/o Shri Shivchand Dubey, Aged About 38 Years, R/o House No. 142, Naya Aamapara, Durg, Tehsil And District- Durg, Chhattisgarh
3. Smt. Pushpanjali Verma W/o Shri Sandeep Verma, Aged About 40 Years, R/o Village- Ganiyari, Tehsil - Patan, District- Durg, Chhattisgarh
4. State Of Chhattisgarh Through Nayab Tehsildar, Sub Tehsil Bhilai- 3, District, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Himanshu Pandey, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.06.2020**

1. The challenge in the present writ petition is to the order Annexure P-1

dated 04.02.2020 passed by the Tahsildar, Bhilai-3 whereby the application for mutation of the property under Section 109 of the Chhattisgarh Land Revenue Code (for short "the LRC") has been rejected on the ground that the petitioner does not have locus to move an application under Section 109 of the CG LRC.

2. At the outset, this Court is of the opinion that since there is a specific provision of appeal under Section 42 of the Chhattisgarh Land Revenue Code, the present writ petition as such may not be maintainable.
3. So far as the submission of the learned counsel for the petitioner that there is a substantial question of law to be decided is concerned, this Court is of the opinion that since there is a specific provision of appeal provided under the Statute, the petitioner should approach the Appellate Authority who in turn shall decide whether the order passed by the Tahsildar, Bhilai-3 is legal, proper & justified or not and whether the petitioner had a locus to file the application or not.
4. The petitioner would be at liberty to question the order of the Appellate Authority if the decision goes against them.
5. With the aforesaid direction, the writ petition stands disposed of. Subject to the petitioner preferring an appeal at the earliest, the concerned SDO would decide the appeal within a period of 60 days from the date of filing of the appeal by the petitioner.

Sd/-
P. Sam Koshy
Judge