

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1408 of 2020

Krishna Nand Yadav S/o Late Mahaveer Prasad, Aged About 68 Years R/o Village - Jhagarha, Tahsil and District - Korba, Civil and Revenue District Korba, Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Collector, Korba, District - Korba Chhattisgarh.
- 2.** The Sub Divisional Officer, (Revenue) Korba, District Korba Chhattisgarh.
- 3.** The Tahsildar, Korba, District Korba Chhattisgarh.
- 4.** Kartik Ram S/o Shri Deenanath, R/o Village - Jhagarha, Tahsil and District - Korba Chhattisgarh.

---Respondents

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.07.2020

- 1.** The challenge in the present writ petition is in respect of an order passed by the Sub Divisional Officer (Revenue), Korba, District Korba, dated 16.12.2019 rejecting an appeal preferred under Section 44 of the Chhattisgarh Land Revenue Code on the ground of limitation.
- 2.** The dispute seems to be arising out of a property that situates in Khasra No.447/1 measuring 0.120 Hects. in village Jhagarha, Teh. and District Korba. The petitioner as well as the respondent No.4 claim the said property to be there's. Meanwhile, the respondent No.4 by moving an application under Section 89 of the Chhattisgarh Land Revenue Code has got the property recorded in his name, against which the petitioner has filed an appeal under Section 44 of the Land Revenue Code which has been dismissed on the ground of delay.

3. This court prima facie is of the opinion that the petition involves highly disputed questions of fact. It also revolves around the title of a property referred to in the preceding paragraphs. For resolving a dispute, this court is of the opinion that the High Court in exercise of its writ jurisdiction should not venture into deciding these disputed questions of fact as for proper adjudication of the dispute, recording of evidences and appreciation of evidence both oral as well as documentary would be required.
4. In view of the same, reserving the right of the petitioner to avail appropriate remedies open to him, the writ petition stands rejected as not maintainable.

Sd/-
(P. Sam Koshy)
Judge

inder