

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP(C) No. 1518 of 2020**

Vijay Kumar Dadriwal, S/o Late Shrichand Dadriwal, Aged About 56 Years
R/o Village And Post - Lailunga, Tehsil - Lailunga, District - Raigarh
Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Mantralaya, Naya Raipur, District - District - Raipur Chhattisgarh.,
2. Collector Raigarh, District - Raigarh Chhattisgarh.
3. Sub - Divisional Officer (Revenue) Lailunga, Tahsil - Lailunga, District - Raigarh Chhattisgarh.,
4. Tehsildar Lailunga, District - Raigarh Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For State	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/07/2020**

1. The challenge in the present writ petition is to the notice issued by the Tehsildar Lailunga dated 03.07.2020 (Annexure P/1).
2. The plain reading of the impugned notice would show that the Tehsildar has issued the said impugned notice in the light of an order passed by the Tehsildar Lailunga on an earlier occasion dated 26.04.2019.
3. From the perusal of the pleadings in the writ petition, it is reflected that the earlier order of the Tehsildar was set aside by the Sub Divisional Officer vide order dated 25.10.2019 (Annexure P/3). However subsequently, the Sub Divisional Officer had approached the Collector seeking for review of his order dated 25.10.2019 which was allowed by the Collector on 04.11.2019 (Annexure P/5).
4. The order of the Collector permitting the SDO to review his order was subjected to challenge in a writ petition before this Court in WPC No. 953 of 2020 and this Court had allowed the writ petition vide its order dated 19.03.2020 setting aside the order dated 04.11.2019 passed by the Collector and remitting the matter back to the Collector for

initiating the proceedings in accordance with the provisions of Section 51 of the Chhattisgarh Land Revenue Code after giving an opportunity of hearing to the petitioner herein. The said order has not been challenged any further. The orders seem to have attained its finality.

5. In view of the same, the legal position as it stands would be that of the proceedings after the order of this Court in WP(C) No. 953 of 2020 gets remitted back to the Court of the District Collector Raigarh and the matter according to the petitioner is still pending before the District Collector, meanwhile the Tehsildar Lailunga has issued Annexure P/1.
6. The State Counsel also fairly concedes that if the Collector has not taken a decision on the matter being remitted back after the order of this High Court dated 19.03.2020 in WP(C) No. 953 of 2020, the Tehsildar could not have and should not have issued such a notice.
7. Given the said submissions made by the counsel appearing on either side, this Court is of the firm view that as long as the order of the Sub Divisional Officer dated 25.10.2019 is not reviewed, the same holds good and thereby the earlier order of the Tehsildar dated 26.04.2019 does not exist technically.
8. In view of the same, the impugned notice Annexure P/1 was totally uncalled for at this juncture and the same stands quashed / set aside at this stage. Reserving the right of the Respondent to proceed in accordance with the directives given by this Court on 19.03.2020 in WP(C) 953/2020 and thereafter proceed in accordance with law.
9. The writ petition accordingly stands allowed and disposed of.

Sd/-

(P. Sam Koshy)
Judge