

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2037 of 2020**

Smt. Lata Jain W/o Shri Tikamchnad Jain Aged About 40 Years R/o House No. 165/1, Chandi Mandir Ward, Durg, Tehsil And District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil And District Raipur Chhattisgarh.
2. The Collector Durg, District Durg Chhattisgarh.
3. The Sub Divisional Officer (Revenue) District Durg Chhattisgarh.
4. The Tahsildar Durg, District Durg Chhattisgarh.
5. Kailash Niwasi Shiv Parvati Devi Bhagwan Mandir Through Sarvakaar Mahant Dushrath Bharti, S/o Prem Bharti Aged About 72 Years
6. Kirtan S/o Prem Bharti Aged About 59 Years
7. Suresh S/o Prem Bharti Aged About 51 Years
8. Kaushal S/o Prem Bharti Aged About 48 Years
9. Krishna S/o Prem Bharti Aged About 66 Years
10. Ahilya Bai S/o Prem Bharti Aged About 61 Years
11. Usha Bai S/o Prem Bharti Aged About 47 Years

Respondents No.5 to 11 all R/o Gaya Nagar, Ward No. 04 Durg, Tehsil And District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anand Shukla, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/09/2020**

1. The challenge in the present writ petition is to the order dated 30.05.2019 (Annexure P/3) and the order dated 29.02.2020 (Annexure P/1), passed by the Tehsildar and the Sub-Divisional Officer, respondents No.4 and respondent No.3 respectively. Vide

the said two orders the application of the petitioner for mutation was rejected and the order has been affirmed by the SDO in an appeal.

2. At the outset, this Court is reluctant to entertain the writ petition for the reason that there is a channel of appeal/revision provided under the Chhattisgarh Land Revenue Code, 1959 for assailing the two orders. Bypassing the said remedy available, the petitioner has come to this Court, though the challenge is on the ground that the Tahsildar has exceeded his jurisdiction. The fact that the petitioner has availed the remedy of appeal before the Sub-Divisional Officer, there is no reason why the petitioner should not avail the further remedy of challenging the two orders as provided under the Code of 1959.
3. Reserving the right of the petitioner to avail the said remedy under the said Code, the present writ petition at this juncture stands disposed of. Subject to the petitioner providing the photocopy of the impugned orders, the certified copy can be returned back to the petitioner.

Sd/-
(P. Sam Koshy)
Judge

Ved