

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1709 of 2020

1. 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 : 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. Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.08.2020

1. The present writ petition has been filed assailing the order dated 31.07.2020 Annexure P-1 passed by the District Collector-Raigarh granting sanction to the Sub-Divisional Officer (R)-Lailunga, District: Raigarh to review his/her earlier order dated 25.10.2019 (Annexure P-3).
2. The contention of the counsel for the petitioner is that the order passed by the Collector is bad to the extent that the directions is contrary to the direction given by this Court given in an earlier round of litigation in WP(C) No. 953 of 2020, decided on 19.03.2020. The

contention of the counsel for the petitioner primarily is that the application moved by the Sub-Divisional Officer to the Collector seeking permission/sanction for review has not been made available to the petitioner with which he could have effectively given a reply and ignoring the said fact, the Collector issued a show cause notice on 17.07.2020 and thereafter has granted sanction vide Annexure P-1 to the Sub-Divisional Officer vide impugned order Annexure P-1 dated 31.07.2020.

3. The further grievance of the counsel for the petitioner is that the Sub-Divisional Officer pursuant to the order Annexure P-1 dated 31.07.2020 has already initiated the further proceeding and have kept the matter for orders to be passed today. He further submits that this is detrimental to the interest of the petitioner and he does not have an efficacious remedy available under the provisions of the Land Revenue Code, as the appellate forum is lying vacant. According to the petitioner even the challenge to the show cause notice dated 17.07.2020 made by the petitioner before the concerned appellate forum has got rendered infructuous as the office was lying vacant and his objection/appeal was not even registered or heard before the impugned order Annexure P-1 could be passed.
4. He further submits that since Sub-Divisional Officer has fixed the case for orders today, i.e., 7th August, 2020 and if the order is passed against the petitioner, there is all likelihood of the Sub-Divisional Officer getting the executed during the weekend and the petitioner would not be able to even approach this Court or even before the appellate forum. The petitioner would be rendered remedy less.

5. Given the entire facts and circumstances of the case, this Court is of the opinion since the authority has proceeded further in terms of the order of this court it would not be proper for this court to interfere with the proceedings at this stage particularly when the matter is fixed for orders moreso after hearing all the parties to the dispute. In view of the same ends of justice would meet, if the writ petition is disposed off at this juncture directing that in the event, if the Respondent No. 3 decides the review application against the petitioner, appropriate and reasonable time shall be granted to him to avail his remedy of appeal as provided under the provisions of Land Revenue Code or any other remedy which the petitioner may prefer, before getting the order executed. The petitioner also has a remedy to approach this Court, in the event, if the Office of appellate forum is still lying vacant.
6. With the aforesaid observations and direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge