

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(C) No. 2413 of 2020**

1. Parasram S/o Parmanand Aged About 37 Years Resident Of Village Khairatkhard, Tahsil Bagbahra, District Mahasamund Chhattisgarh
2. Dindayal S/o Parmanand Aged About 39 Years Resident Of Village Khairatkhard, Tahsil Bagbahra, District Mahasamund Chhattisgarh.
3. Nemichand S/o Parmanand Aged About 42 Years Resident Of Village Khairatkhard, Tahsil Bagbahra, District Mahasamund Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Managment Department , Mahanadi Bhawan, Mantralaya , Nawa Raipur Chhattisgarh
2. The Collector District Mahasamund Chhattisgarh
3. The Sub Divisional Officer (Revenue) Bagbahra, District Mahasamund Chhattisgarh.
4. The Tahsildar Bagbahra, District Mahasamund Chhattisgarh.
5. Patwari P.H.No. 53, Tahsil Bagbahra, District Mahasamund Chhattisgarh.

---- Respondents

For Petitioners	: Mr. Praveen Dhurandhar, Adv.
For State	: Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19.10.2020**

1. The challenge in the present writ petition is to the order Annexure P/1 dated 30.01.2020 passed by the respondent No. 3 in Revenue Case No. 08-B-121/2017-18.
2. Vide the said impugned order, the Respondent No. 3 has reviewed his earlier order of mutation on an application/objection moved by the villagers without obtaining due permission from the Higher Authorities. Without a permission from the Higher Authorities, review of his own order passed on a mutation proceedings is per se illegal, thus the respondents have come to this Court.

3. Moreover, According to the counsel for the petitioners, even if the villagers had any objection, the villagers ought to have first approached the concerned Tahsildar and thereafter proceedings in accordance with law should have been done. In the absence of which again the order so passed by the authorities is not sustainable and is liable to be set aside/ quashed.
4. At the outset, this Court is of the opinion that the order under challenge i.e order passed by the respondent No. 3 is one which is challengeable by way of an appeal under the provision of the Chhattisgarh Land Revenue Code. Nothing prevented the petitioners to prefer an appeal and challenge the same and the writ petition now is being filed after about 10 months.
5. Since there is an alternative efficacious remedy available under the provisions of the Chhattisgarh Land Revenue Code, this Court is of the opinion that the writ petition at this juncture would not be sustainable for the ground of there being an availability of remedy under the statutes.
6. Reserving the right of the petitioners to prefer an appeal against the impugned order and which if it is filed, the Appellate Authority should consider the same on its own merits in accordance with law at the earliest within a period of 90 days from the date of the petitioners' preferring an appeal, the appeal should be decided after hearing all the concerned parties to the dispute.
7. Considering the impact of Covid 19 the delay in filing the appeal if any has to be liberally considered.
8. With the aforesaid direction/observation, the writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge