

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2720 of 2020

1. Raju Singh Thakur, Aged About 42 Years, S/o Late U. S. Thakur, R/o House No. 175/28, Near Kali Mandir, Rajendra Prasad Nagar, (Podibahar) Korba, Sub Police Station : Rampur, Police Station: Kotwali, Tahsil And District : Korba, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through its Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil And District : Raipur, Chhattisgarh
2. The Collector, Korba, District : Korba, Chhattisgarh
3. The Tahsildar, Korba, District : Korba, Chhattisgarh
4. Mahuri Tiwari, Aged about: 62 years, W/o Late Kedarnath Tiwari, R/o Krishna Vihar, Vidya Nagar, Bilaspur, (C.G.)

----- Respondents

For Petitioners	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Siddharth Dubey, Dy. Govt. Advocate
For Resp. No. 5	:	Mr. Soumitra Kesharwani, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.11.2020

1. The challenge in the present writ petition is to the order passed by the Sub-Divisional Officer dated 31.10.2020 (Annexure P-12) in Case No. 202006050600017/0501/ अ -70/2019-2020; whereby the Sub-Divisional Officer has rejected the appeal preferred u/s 44 of the Chhattisgarh Land Revenue Code, 1959 by the petitioner against the order dated 18.08.2020 passed by the Tahsildar, Korba.
2. The counsel appearing for the respondent no. 5 on advance notice at the first instance submits that there is an alternative remedy available to

the petitioner and, therefore, the writ petition should not be maintainable and he also submits that during the period, the petitioner has the right to prefer an appeal and he would not be evicted from the said premises.

3. Given the said submission by the counsel for the respondent no. 5, this Court is of the opinion that the writ petition be disposed off at this juncture permitting the petitioner to avail the remedy by preferring a second appeal u/s 44 of the Chhattisgarh Land Revenue Code, 1959. Subject to the petitioner preferring an appeal within a period of fifteen days from today, the order passed by the Tahsildar dated 18.08.2020 as also the order passed by the Sub-Divisional Officer on 31.10.2020 under challenge in this writ petition would not be acted upon till the second appeal is heard for admission and also on application for grant of interim relief, by the second appellate authority.
4. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge