

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 77 of 2021**

1. Sanjay Singh S/o - Late Basant Singh Aged About 37 Years Member Of B.D.C. Area No.2 Janpad Panchayat - Balrampur District Balrampur - Ramanujganj Chhattisgarh R/o - Village - Kotarki Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 2. Phool Sai Chargat S/o - Bandhan Chargat Aged About 50 Years Member Of B.D.C. Area No.1 Janpad Panchayat - Balrampur District Balrampur - Ramanujganj Chhattisgarh R/o - Village - Murka Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 3. Subhash Gupta S/o - Shri Luxman Sao Aged About 34 Years R/o - Village - Kapildevpur Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 4. Surajdev Ram S/o - Shri Shiv Prasad Aged About 30 Years R/o - Village - Girwarganj Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 5. Ranjeet Gupta S/o - Subhash Gupta Aged About 40 Years R/o - Village - Kerta Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 6. Arvind Kerketa S/o - Telesopher Aged About 37 Years R/o - Village - Manikpur Post Kerta Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
 7. Krishna Markam S/o - Devchand Aged About 27 Years R/o - Village - Baserakala Police Station Chalgali Block And Tahsil - Balrampur District Bilrampur - Ramanujganj Chhattisgarh
- Petitioners**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur District Raipur Chhattisgarh
2. The Secretary Department Of General Administration Mahanadi Bhawan New Raipur, District Raipur Chhattisgarh
3. The Collector Balrampur District Balrampur - Ramanujganj Chhattisgarh
4. Sub - Divisional Officer (Revenue) Balrampur District Balrampur - Ramanujganj Chhattisgarh
5. Tahsildar, Balrampur District Balrampur - Ramanujganj Chhattisgarh
6. Chief Executive Officer Zila Panchayat Balrampur District Balrampur Chhattisgarh

7. Chief Executive Officer, Janpad Panchayat - Balrampur District Balrampur -
Ramanujganj Chhattisgarh **---- Respondents**

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2021

1. Heard
2. The present writ petition has been filed by the petitioners who are the resident of Village Panchayat- Kotarki, Murka, Kapildevpur, Girwarganj, Kerta, Manikpur & Baserakala and earlier those villages were covered under Tehsil and Distt. Balrampur Ramanujganj (C.G.). Now the State Government has decide to form a new Tehsil named and styled Doura-Kochali in Tehsil and Distt. Balrampur.
3. Learned counsel for the petitioners submits that at present the existing Tehsil Balrampur is 20-25 kms away from the above Villages' Gram Panchayat and newly formed Tehsil Doura-Kochali would be at a distance of 65-70 kms and no direct connectivity of newly formed Tehsil exists in the area, therefore the petitioners' Gram Panchayat have passed a resolution for excluding their Gram Panchayat to place them out of the jurisdiction of a newly formed Tehsil. He further submits that the petitioners' villages have been proposed to be covered under new Tehsil Doura-Kochali which would be evident from Annexure P/2 dated 30.12.2020. It is stated that for publishing the final notification has already been forwarded therefore the petitioners' villages may be excluded to be included within the Tehsil Doura-

Kochali.

4. Per contra, learned State counsel would submit that the writ petition do not whisper of the fact that the proceedings have been finalised and notification have been sent for final notification, therefore the writ petition is premature.
5. Section 13 of Chhattisgarh Land Revenue Code 1959 (henceforth 'The Code 1959') gives the power to alter, create and abolish the division which reads as under:-

13. Power to alter, create or abolish divisions, districts, sub-divisions and tahsils. - (1) The State

Government may create divisions comprising of such districts as it may deem fit and may abolish or alter the limits of such divisions.

- (2) The State Government may alter the limits of any district or tahsil and may create new, or abolish existing districts or tahsils, and may divide any district into sub-divisions and may alter the limits of or abolish, any subdivision :

Provided that the State Government before passing any orders under this section on any proposal to alter the limits of any division or district or tahsil or to create new or abolish existing divisions, districts or tahsils, shall publish in the prescribed form such proposals for inviting objections and shall take into consideration any objections to such proposal.

- (3) Subject to the orders of the State Government under sub-section (2), every tahsil shall be deemed to be a sub-division of a district.

6. Reading of Section 13 of the Code 1959 would show that before passing any order under this section, the objections would be invited and it would be considered by the State Government. It appears that at present, the only

proposal has been made therefore the statutory mandate of Section 13 of the Code 1959 still to be followed. Therefore, as and when the publication is made as per Clause 2 of Section 13 of the Code 1959 the petitioners may raise their objections before the appropriate authority.

7. At this stage the writ petition appears to be premature. The petitioners shall be at liberty to raise the objection and since it has been stated that the petitioners have already made the objection, the same may be considered pursuant to proviso to Section 13 of the Code.
8. With the aforesaid directions/ observations, the writ petition stands disposed off.

sd/-
(Goutam Bhaduri)
Judge