

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 725 of 2021

Jagat Ram, S/o Shri Motiram Gada, Aged About 54 Years, R/o Village Dhoram, Tahsil & P.S. Gharghoda, District- Raigarh, Civil and Revenue District- Raigarh (C.G.)
--- Petitioners

Versus

1. State of Chhattisgarh, Through Collector, Raigarh, District- Raigarh (C.G.)
2. The Additional Commissioner Bilaspur Division, Link Court Raigarh, District- Raigarh (C.G.)
3. The Sub Divisional Officer (Revenue), Gharghoda, District- Raigarh (C.G.)
4. The Tahsildar Gharghoda, District- Raigarh (C.G.)
5. The Nayab Tahsildar, Gharghoda, District- Raigarh (C.G.)
6. Mitrabhanu, S/o Shri Puniram Gada, Aged About 33 Years, R/o Village Dhoram, Tahsil Gharghoda, District- Raigarh (C.G.)

--- Respondents

For Petitioners : Mr. Manoj Kumar Sinha, Advocate.

For State/ Respondents : Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/02/2021

1. Challenge in the present writ petition is to the order of Nayab Tahsildar, Gharghoda, District- Raigarh dated 06.02.2020 (Annexure P/1), whereby, the private respondent has been appointed as a Kotwar.
2. According to the petitioner, the petitioner was initially appointed as a Kotwar, whose appointment has subsequently been cancelled by order of Sub Divisional Officer, Gharghoda, District- Raigarh dated 30.09.2019. The order of the Sub Divisional Officer dated 30.09.2019 was challenged in a revision before the

Divisional Commissioner. The Revision was admitted on 10.10.2019 and interim protection was also granted so far as the stay of the effect and operation of the order of the Sub Divisional Officer dated 30.09.2019.

3. According to the petitioner, in spite of the stay order granted by the Commissioner, still being an operation, the Nayab Tahsildar, Gharghoda, District- Raigarh has violating the same, passed an order appointing the private respondent as a Kotwar.
4. At the first instance, this Court is of the opinion that since the matter is already ceased for hearing before the learned Commissioner in a revision petition and where the Revisional Authority has already granted an interim protection as early as on 10.10.2019, the present writ petition would not be sustainable.
5. That it would be more appropriate for the petitioner to approach before the Revisional Authority against the order of the Nayab Tahsildar dated 06.02.2020. The petitioner may approach the learned Commissioner in this regard and on such application being moved, the Revisional Authority may try to consider and decide the said application, if not atleast, the revision itself be decided on its merits at the earliest.
6. Accordingly, the instant writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge