

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1053 of 2021**

1. Pushpa Palhe W/o Nanhu Palhe Aged About 45 Years Sarpanch Of Village Panchyat- Tarkakhand Janpad Panchyat- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.R/o Village- Tarkakhand Janpad Panchyat- Balrampur, District- Balrampur, Ramanujganj, Chhattisgarh.
2. Ramlakhan Yadav S/o Raghunath Yadav Aged About 38 Years Panch Of Village Panchyat- Tarkakhand Janpad Panchyat- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh. R/o Village- Tarkakhand Janpad Panchyat- Balrampur, District- Balrampur, Ramanujganj, Chhattisgarh.
3. Satyanarayan Yadav S/o Ram Prasad Yadav Aged About 36 Years Up- Sarpanch Of Village Panchayat- Champapur, District- Balrampur, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue Mahanadi Bhawan New Raipur, District- Raipur, C.G.
2. The Secretary Departmen 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 Panchyat- Balrampur, District- Balrampur, Chhattisgarh.
7. Chief Executive Officer Janpad Panchyat Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. A.N. Pandey, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****24.02.2021**

1. Heard
2. The present writ petition has been filed by the petitioners who are the resident of

Village Panchayat- Tarkakhand & Champapur and earlier those villages were covered under Tehsil and Distt. Balrampur Ramanujganj (C.G.). Now the State Government has decided 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 15-18 kms away from the above Villages' Gram Panchayat and newly formed Tehsil Doura-Kochali would be at a distance of 55-60 kms. It is submitted that no direct connectivity of newly formed Tehsil is available and as the forest intervenes, the road would not be possible to be built in future for reason of forest, therefore the Gram Panchayat of Tarkakhand & Champapur have passed a resolution to place them out of jurisdiction of newly formed Tehsil and to continue with Tehsil-Balrampur. It is submitted that in the first proposal the villages Tarkakhand & Champapur were not included but in the second proposal dated 05.01.2021 they were included to be within the Tehsil Doura-Kochali. It is further stated that for publishing the final notification has already been forwarded therefore the petitioners' villages may be excluded from 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