

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1773 of 2021**

1. Bhatia Energy And Minerals Private Ltd. Through Director Anil Agrawal, S/o. Goverdhan Prasad Agrawal, Aged About 45 Years, R/o. House No. 135, 136 Crest Green Township Near Disha College Kota, Raipur District Raipur Chhattisgarh
2. Puni Ram Chauhan, S/o. Tiharu Ram Chauhan, Aged About 57 Years, R/o. Village Chote Dumaripalli, Tahsil Kharsia, District Raigarh Chhattisgarh

---- Petitioners**Versus**

State Of Chhattisgarh, Through Collector, Raigarh, District Raigarh, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Awadh Tripathi, Advocate
For State/Respondent	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25.03.2021**

Heard

1. Learned counsel for the petitioner would submit that the petitioner has made an application for exchange of land under Section 167 of the Land Revenue Code and the Collector without any application of mind has observed that since the land which has been offered for exchange is a Kotwari land, the same cannot be subject of exchange. Therefore, the Collector has failed to exercise his jurisdiction.
2. Learned State counsel would submit that in any case the order dated 02.11.2020 is passed under the Land Revenue Code and it has been reached its finality. Therefore, it will be an original order, which would be appealable under Section 44 of the Land Revenue Code.
3. Section 44 of the Land Revenue Code contemplates the appeal and appellate authorities. Since the order is passed by the Collector as per Section 44(1)(e) of the Land Revenue Code, the appeal would lie to the

Commissioner. Therefore, the petitioner may avail the alternative statutory remedy of filing the appeal before the appellate authority.

4. In view the above, the petition stands disposed off.

Aks

Sd/-
(Goutam Bhaduri)
Judge