

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2638 of 2021**

- M/s. Dayalal Meghji And Company Through Partner Paresh Kumar Daya Bhai Manik S/o Daya Bhai Manik Aged About 76 Years R/o Naman Building, Khamhardih, Raipur Tahsil And District Raipur Chhattisgarh

---- Petitioner**Versus**

- Sub Divisional Officer (R) Abhanpur Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner : Shri Badruddin Khan, Advocate

For Respondents/State : Shri Pawan Kesharwani, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****01/07/2021**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner had purchased certain land and filed an application for diversion before the SDO, however, neither the said application has been decided nor any progress is made. He would further submit that the provisions of Section 158 of the C.G. Land Revenue Code, 1959 (for short 'the Code, 1959') is required to be considered, therefore, the SDO may be directed to consider the case taking into Section 158 of the Code, 1959.
3. Per contra, learned State counsel opposes the argument and would submit that certain lease hold lands were included in said application for diversion,

therefore, it may have caused delay and apart from that some administrative exigencies are also there.

4. Be that as it may, once the application for diversion has been filed, the same is required to be adjudicated. This Court will not go into the merits of this case to direct the SDO to decide the case particularly by interpreting certain provisions of Code, 1959. It is for the SDO to decide the same on the basis of the available facts from the record. This Court cannot usurp the jurisdiction of the revenue Court in exercise of power under Article 226 of the Constitution of India. Accordingly, it is observed that since the application for diversion has already been filed, the same is directed to be decided within a further period of four months from the date of receipt of copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu