

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 2948 of 2021

Gopal Prasad Chandra S/o Shri Nawdha Ram Chandra Aged About 52 Years R/o Village Bhathora, Post Pihrid, Police Station And Tahsil Malkharauda, Civil And Revenue District Janjgir Champa Chhattisgarh

---- **Petitioner**

Versus

1. State of Chhattisgarh through the Collector, Janjgir Civil and Revenue District Janjgir Champa Chhattisgarh
2. Tahsildar Malkharauda, Janjgir Civil And Revenue District Janjgir Champa Chhattisgarh
3. Patwari Patwari Halka No. 16, Village Bhathora, Revenue Inspector Circle Malkharauda, Tahsil Malkharauda, Civil and Revenue District Janjgir Champa Chhattisgarh

---- **Respondent**

23.07.2021	Mr. Devesh Kela, counsel for the petitioner. Mrs. Astha Shukla, Panel lawyer, for the State. The challenge in this writ petition is to the order dated 05.07.2021 (Annexure P-6) passed by the Tahsildar Malkharoda Distt. Janjgir. Learned counsel for the petitioner submits that the petitioner was served with a notice under section 248 of the Code of the Land Revenue Code and though the statement of the petitioner was recorded, but without giving any opportunity of hearing, the orders have been passed. He would submit that on 05.07.2021, the statement of the petitioner was recorded but it is not shown in the order sheet. He refers to Annexure P-5 and submits that the statement was recorded on 05.07.2021 whereas the order sheet do not reflect the same. Learned State Counsel would submit that the petitioner has right to avail the statutory remedy of appeal. Since the order passed by the Tahsildar, Malkharoda is appealable before the SDO under section 44 of the Land Revenue Code 1955, without	

R a o	any observation on the merits of the case and the order dated 05.07.2021, it is observed that the petitioner may file appeal before the SDO within an outer limit of 45 days. Along with the appeal, the petitioner may also file application for stay of the order dated 05.07.2021. Till the period of 60 days from today, there shall be stay of the order dated 05.07.2021. The petitioner shall be at liberty to raise all the grounds before the appellate forum. With the above observation, this writ petition stands disposed off. Sd/- GOUTAM BHADURI JUDGE	
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