

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2994 of 2021

- Dharamlal Kanwar S/o Jhaduram Kanwar, Aged About 53 Years R/o Village - Dadarkhurd, Tahsil And District Korba Chhattisgarh

---- Petitioner

Versus

1. Smt. Darash Kunwar W/o Late Amar Singh, Aged About 70 Years R/o Village - Dadarkhurd, Ward No.23, District Korba Chhattisgarh.
2. Smt Sonmat Bai, (Died) Through - Legal Heirs
2.1 - (I) Mani Kanwar, S/o Late Ramcharan Kanwar, Aged About 30 Years
2.2 - (ii) Sami Kanwar, S/o Late Ramcharan Kanwar, Aged About 28 Years
Both are R/O of Patrapali, Out post: Rajgamar, Tahsil & District Korba C.G.
3. Santu Singh Kanwar S/o Late Dharam Singh Kanwar, Aged About 48 Years R/o Village Dadarkhurd, Tahsil And District Korba Chhattisgarh
4. Smt. Kirtan Bai W/o Late Natthu Singh Kanwar, Aged About 42 Years R/o Village Dadarkhurd, Tahsil And District Korba Chhattisgarh. (The Respondent No. 1 To 4 Were Plaintiff Before The Trial Court)
5. Tahsildar Korba, Tahsil And District Korba Chhattisgarh.
6. Patwari Halka No. 5, Korba, Tahsil And District Korba Chhattisgarh.
7. State Of Chhattisgarh, Through - Collector, Korba, District Korba Chhattisgarh.

---- Respondents

For Petitioner : Shri S.B. Pandey, Advocate

For Respondents/ State : Ms. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2021

Heard

1. The instant petition is against the order dated 12.03.2021 (Annexure P-6) passed by the SDO (Revenue) Korba.
2. Learned counsel for the petitioner would submit that the SDO by impugned order dated 12.03.2021 has allowed certain amendment which was of the

year 1973. He would submit that the said order is *ultra vires* as the Civil suit is pending in respect of the same issue and how the SDO can pass order when the Civil suit for the same issue is pending, therefore he prays that order dated 12.03.2021 requires to be set aside.

3. Perused the documents.
4. Perusal of the documents would show that under Section 44 (2) of the C.G. Land Revenue Code, 1959 a second appeal would lie against every order passed in the first appeal to the Commissioner. Since alternate statutory appellate remedy is available, I am not inclined to exercise the jurisdiction under article 226 of the constitution of India to go into merits of this case. The petitioner may challenge the order dated 12.03.2021 before the appellate forum if so advised within a period of 30 days and raise all the grounds there.
5. If requisition is made certified copy of Annexure P-6 may be returned to the petitioner after retaining the photocopy of the same.
6. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti