

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

W.P.(227) No. 370 of 2021

1. Nepal Singh Thakur, S/o. Late Shri Arjun Singh, aged about 69 years,
2. Mahendra Pal Thakur, S/o. Late Shri Arjun Singh, aged about 67 years, R/o. Village Jagmahant (Mousda), Tahsil Janjgir District Janjgir Champa Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through : The Secretary, Department Of Urban Administration, Mantralaya, D. K. S. Bhawan, Raipur Chhattisgarh
2. The Chief Executive Officer Janpad Panchayat Navagarh District Janjgir Champa Chhattisgarh
3. The Collector District Janjgir Champa Chhattisgarh
4. The Tahsildar District Janjgir Champa Chhattisgarh
5. Gram Panchayat Jagmahant (Mousda) Through Sarpanch, Tahsil Janjgir District Janjgir Champa Chhattisgarh

---- **Respondents**

<u>09/08/2021</u>	Mr. Devershi Thakur, counsel for the petitioners. Ms. Hamida Siddiqui, Dy.A.G. for the State-respondents. Heard. The Registry has pointed out the default that the petition has been filed under Article 227 of the Constitution of India, which should have been filed as petition under Article 226 of the Constitution of India as W.P.(C). Counsel for the petitioners submits that the default pointed out by the Registry is fit to be overruled. This Court had in W.P.(227) No. 914 of 2015, vide order dated 16.07.2021 held that the orders passed

by the Board of Revenue can be challenged under Article 227 of the Constitution of India.

The order under challenge in this petition is dated 18.05.2021, passed by the Secretary, Chhattisgarh State Revenue and Disaster Management Department. Although it is the submission of the petitioners that law applicable in passing of the order is the Chhattisgarh Land Revenue Code, 1959, but in the provisions defining the Revenue Officer, the Secretary of any Government Department is not included. Therefore, the impugned order appears to be a decision taken by the Government in a policy matter, which is not subject to challenge under Article 227 of the Constitution of India. Hence, the default pointed out by the Registry is sustained.

Petition filed is not maintainable, therefore, it is disposed off. The petitioners shall have liberty to file appropriate petition.

The certified copy of the documents filed, shall be returned to the counsel for the petitioners.

Sd/-
(Rajendra Chandra Singh Samant)
Judge