

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4713 of 2021

Sunil Kujur, S/o Late Shri Kalyan Kujur, Aged About 52 Years Occupation - Service, Working As Patwari, At Patwari Halka No.04, Circle - Kansabel, Sub Division - Bagicha, District - Jashpur Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Government Of Chhattisgarh, Naya Raipur, Tahsil And District - Raipur Chhattisgarh
2. The Collector, Jashpur, District Jashpur Chhattisgarh
3. The Sub Divisional Officer (Revenue), Bagicha Division, District - Jashpur Chhattisgarh
4. The Tahsildar, Tahsil - Kansabel, District - Jashpur Chhattisgarh
5. Shri Pradeep Kumar Nayak, P.C. No. 16, Bans Bahar, Tahsil Kansabel, District - Jashpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. N. Bhakta, Advocate.
For State	:	Mr. Ayaz Naved, Ga
For Res. No.5	:	Mr. Mayank Chandrakar, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/09/2021

1. Aggrieved by the order dated 13.08.2021 Annexure P-1, the present writ petition has been filed.
2. Vide the impugned order the place of posting of the petitioner and respondent no.5 has been interchanged between Patwari Halka No.4 Kansabel to Patwari Halka No.16, Bansbahar, Sub Division Bagicha, District Jashpur.

3. Contention of the petitioner is that earlier also a similar order was passed transferring the same persons as early as on 26.11.2020 which was subsequently canceled by the Collector himself and at the representation which the petitioner has made following the directions given by the Division Bench of this Court in Writ Appeal No.478/2020 decided on 06.01.2021. Contention of the petitioner is that subsequently the order dated 26.11.2020 was canceled by the Collector on 08.03.2021 and barely less than six months later now the impugned order again has been issued shifting the place of posting of the petitioner with respondent no.5 and the same order that was passed earlier on 26.11.2020 has again now been issued. Though, this Court on an earlier occasion when the order Annexure P-2 dated 26.11.2020 was subjected to challenge before this Court in WPS 5109/2020 had dismissed the writ petition which was further tested before the Division Bench in a Writ Appeal no.478/2020 and Division Bench had dismissed the Writ Appeal permitting the petitioner to make a detailed representation which the respondents ought to have required to be decided. The order passed by the Division Bench also was that the only recourse that can be provided to the petitioner was that of representation to the respondents to be decided on its own merits. The said liberty would still be available to the petitioner, if he so chooses.
4. Another fact which has come during the course of hearing is that the distance between the two place of posting is just around 20-25 Kms. which in the present day is not a distance at all which could cause great inconvenience to the parties.
5. Accordingly, the writ petition at this juncture stands disposed of directing the petitioner to prefer a fresh representation if he has not made representation till date, the respondent authorities would be at liberty to

consider the same on its own merits taking into consideration the entire contents of the representation which the petitioner would be making to the authorities.

6. Subject to the petitioner making a representation within seven days, the respondents would be expected to take a decision on the representation within a period of 30 days from the date the representation is received. Till then, let status quo as it exists today so far as posting of the petitioner is concerned be maintained.
7. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit