

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3619 of 2021**

- Sunil Kumar Agrawal S/o Ghasiram Agrawal Aged About 51 Years R/o Main Road Lormi , Tehsil Lormi, District Mungeli Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Urban Development , Mahanadi Bhavan, Naya Raipur , Raipur Chhattisgarh
2. Nagar Panchayat Lormi Through Chief Executive Officer, Lormi District Mungeli Chhattisgarh.
3. The Collector Mungeli District Mungeli Chhattisgarh.
4. The Tehsildar Lormi District Mungeli Chhattisgarh.
5. Deepak Gupta S/o Late Shri Vishnuprasad Gupta R/o Mahamai Ward, Mungeli District Mungeli Chhattisgarh.
6. Omprakash S/o Udayram R/o Lormi, District Mungeli Chhattisgarh.

---- Respondents

For Petitioner : Shri Praveen Das, Advocate

For Respondents/State : Shri Ravi Bhagat, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****09/09/2021**

1. Heard.
2. According to the petitioner a demarcation was carried out in respect of certain land at village Lormi, wherein initially certain encroachment was recorded. Subsequently, the aggrieved party challenged the same before the Collector, wherein the Collector by order dated 06.03.2021 has set aside the earlier demarcation and directed to conduct afresh demarcation after noticing the interested party and to demarcate according to the Chanda-Munara. The order

is filed as Annexure P-5. Thereafter, since the matter was remanded back to the Tehsildar, the Tehsildar on 07.07.2021 has ordered that since the earlier demarcation has been canceled as such a fresh demarcation is not required and the case was closed.

3. I have heard learned counsel for the petitioner and perused the documents.
4. Perusal of the order dated 06.03.2021 passed by the Collector would show that a demarcation which was under challenge was set aside and fresh direction was issued on 06.03.2021 (Annexure P-5). The order would reflect that the case was remanded back to the Tehsildar to carry out the demarcation afresh and certain directions were issued. When it was placed before the Tehsildar, he refused to demarcate the land. It is obvious that when the order is set aside by the higher Court and it is remanded back to court below to comply with the direction then the Court is required to follow the same. No personal choice can be given by the Tehsildar and the Tehsildar cannot have discretion to perform the official duties at his whims and fancies and which he is bound to discharge. It amounts to dereliction of the duties and disobeying the orders of the higher authorities. After consideration of the order of the Collector, the Tehsildar is directed to carry out the demarcation as per the direction issued by the Collector within a period of 45 days from the date of receipt of the copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu