

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3908 of 2021

- Devendra Kumar Pandey S/o Shri Kashi Prasad Pandey Aged About 59 Years
R/o Kudurmal, Korba, Presently Residing At Near Vinayak Residency, M.P.
Nagar, Korba, P.S. Tehsil And District Korba Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector Korba, District Korba, Chhattisgarh.
3. Sub Divisional Officer Korba, District Korba Chhattisgarh.

---- Respondents

For Petitioner : Shri Vaibhav P. Shukla, Advocate

For Respondent/ State : Shri Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.09.2021

Heard

1. The challenge in this petition is to the order dated 25.11.2019 which is passed by the SDO under the provisions of Land Revenue Code.
2. Learned counsel for the petitioner would submit that the order has been passed under section 240 of the Land Revenue Code on 07.05.2018 by the SDO, Korba and fine of Rs. 2,00,000/- has been imposed which is illegal as section 240 creates a bar that fine cannot be more than Rs. 25,000/- therefore the order *per se* is illegal. Subsequently, it is contended that the execution is made and the petitioner has made to appear in person by the SDO and warrants have been issued.

3. In any case the order dated 07.05.2018 is passed by the SDO is a order passed under the Land Revenue Code and the petitioner chose not to file an appeal under Section 44 of the Land Revenue Code, instead after 3 years have challenged the same by way of Article 226 of the Constitution of India in the High Court. Since appellate remedy is available to the petitioner and considerable time has lapsed in between the original order dated 07.05.2018 and subsequent order dated 25.11.2019, I am not inclined to exercise the power under Section 226 of the constitution of India.
4. In view of this, the petition sans merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti