HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 3384 of 2020

Gajendra Dewangan S/o Bhagirathi Dewangan Aged About 33 Years R/o Village Motipur, Tahsil Patan, District Durg Chhattisgarh. Permanent Resident Of Bharat Mata Chowk, Vikas Nagar Gudiyari, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh **--- Petitioner**

Versus

1. State of Chhattisgarh through Collector, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Naib Tahsildar Up Tahsil Bhilai - 3, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Basant Chandrakar S/o Bahla Prasad Chandrakar Resident of Village Jamgaon (M), Tahsil Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
4. Urmila Devi W/o Jay Kumar Mishra R/o Purani Basti, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Smt. Shashi Prabha W/o Virendra Kumar Resident Of Devariya House, Near Balaji Mandir, Near Janghel General Store, Anand Nagar, Raipur, District Raipur Chhattisgarh.,

--- Respondents

20.01.2021	Mr. A.P. Sharma, counsel for the petitioner. Mr. Gagan Tiwari, Dy. Govt.Advocate, for the State. The challenge made in this writ petition is to the order dated 12.11.2020 (Annexure P-8) passed by the Naib Tahsildar. Learned counsel for the petitioner would submit that the issue of correction of area of revenue land had already been rejected on the earlier occasion when the application for rectification was filed by respondent no.4 Urmila Devi. However, after dismissal of her application, the petitioner filed an application to correct the revenue records, which is in conformity to the earlier order passed but the same has been dismissed by the Naib Tahsildar by holding that it is a case where the question of title is involved. In any case, without going into the merits of the case, since the order is passed by the revenue officer subordinate to	

sub-divisional officer, therefore, u/s 44 (1)(a) of the Land Revenue Code, it would be an appealable order. As the statutory remedy of appeal is available to the petitioner, I am not inclined to exercise the power under Article 226 of the Constitution of India warranting interference in the impugned order.

The petitioner, if so advised, may prefer necessary appeal before the Sub-Divisional Officer (Revenue) within a period of 30 days from today.

The office is directed to return the certified copy of the order (Annexure 8) to the petitioner forthwith after retaining photocopy of the same.

With the above observation/direction, this writ petition stands disposed of.

Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao