

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 4534 of 2021

Atul Kumar Pandey S/o Late Shri Omkarnath Pandey Aged About 50 Years R/o Ward No. 17, Purani Basti Manendragarh, District Korea, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Revenue Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. The Commissioner Division Surguja (Ambikapur), Chhattisgarh.
3. The Collector District Korea (Baikunthpur), Chhattisgarh.
4. The Sub Divisional Officer (Revenue) Manendragarh, District Korea, Chhattisgarh.
5. The Tahsildar Manendragarh, District Korea, Chhattisgarh.
6. Raghuvar Singh S/o Shivram Singh @ Dular Sai Through Power Of Attorney Holder, Ram Singh Pavley, Caste Gond, R/o Manendragarh, Tahsil - Manendragarh, District Korea, Chhattisgarh.

---- Respondents

For Petitioner	: Shri A.S. Rajput, Advocate.
For the respondents / State	: Shri Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

11.11.2021

Heard.

1. It is submitted by counsel for the petitioner that the father and sister of the petitioner purchased the land bearing Khasra No. 292/2 measuring 0.025 hectare in Manendragarh, District Koriya. Subsequent to which, mutation has taken place and the sister of the petitioner sold her share of the land to father of the petitioner by a subsequent sale-deed. After the diversion proceeding and taking requisite permission for construction, the petitioner has constructed the house on the land mentioned herein-above. It is submitted that respondent No.6 filed an application under Section 170-B of the Chhattisgarh Land Revenue Code, 1959 before respondent No.4 praying for reversion of land

bearing Khasra No. 291 measuring 0.058 hectares. The petitioner was arrayed as a party in that proceeding without any reason. The demarcation report (Annexure-P/9) dated 11.2.2019 submitted by the Revenue Inspector does not make any mention of Khasra No.292/2. The petitioner submitted his argument that his possession is restricted to the land under his ownership which was not considered and the impugned order has been passed directing reversion of the landed property as mentioned in the impugned order. It is submitted that the impugned order has been passed erroneously and without jurisdiction by respondent No.4, therefore, the petitioner has entitlement for protection and grant of relief.

2. Learned State counsel appearing for respondents No.1 to 5 opposes the submissions and submits that the petitioner has the remedy available to file an appeal against the impugned order, therefore, the present petition is not maintainable.
3. Considered on the submissions. Perused the documents filed alongwith the petition. As it is found that the petitioner has the remedy to file an appeal before the Appellate Authority under the provisions of Chhattisgarh Land Revenue Code, 1959, hence, this petition is disposed off. A time of 30 days is granted to the petitioner for filing an appeal against the impugned order and it is ordered that eviction proceeding, if any, initiated against the petitioner on the basis of the impugned order that shall remain stayed, for a period of 30 days from today.
4. With the aforesaid observations, the present petition is disposed off.

SD/-

(Rajendra Chandra Singh Samant)
Judge