

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4873 OF 2021**

- Jethuram Chouhan, S/o Late Gendraram Chouhan, aged about 57 years, R/o Village Ramtala, Tahsil and District Bilaspur (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Department of Revenue, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, Raipur (C.G.)
2. The Collector, Bilaspur, District Bilaspur (C.G.)
3. Sub Divisional Officer (Revenue), Bilaspur, District Bilaspur (C.G.)
4. Nayab Tahsildar, Bilaspur, District Bilaspur (C.G.)
5. Bhupendra Bharadwaj, S/o Shri Bijlu Ram, aged about 56 years, R/o Village Sendri, Tahsil and District Bilaspur (C.G.)
6. Deepak Kumar Sahu, S/o Vishram Sahu, aged about 27 years, R/o Village Sendri, Bilaspur, Tahsil and District Bilaspur (C.G.)
7. Akti Ram, S/o Late Manohar Lal Bharadwaj, aged about 54 years, Sarpanch, Gram Panchayat Sendri, Tahsil and District Bilaspur (C.G.)

... Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate.
For Respondent-State	:	Mr. Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[07/12/2021]**

1. Present Writ Petition has been filed by Petitioner aggrieved by the Order dated 8.11.2021 passed by Respondent No.3-Sub Divisional Officer (Revenue), Bilaspur.
2. The impugned Order dated 8.11.2021 is an Order passed by the Sub Divisional Officer exercising the Appellate jurisdiction under the provisions of Section 44(1) of the Chhattisgarh Land Revenue Code, 1959.
3. Contention of learned Counsel for Petitioner is that, vide the impugned Order the Appellate Authority has stayed the order of the Tehsildar granting mutation in favour of the Petitioner. Further contention is that the appeal has been preferred by the persons who are not related to the said property in any manner and were alien to the said property. Moreover, the person against whom the order of mutation has been

passed, that is in favour of the Petitioner, has not challenged the order in appeal. Next contention is that the appeal has been entertained by the Authorities even before condoning the delay and also before granting permission to the Appellants to prefer the appeal.

4. Considering the fact that the impugned Order is an interlocutory order which has been passed while entertaining the appeal and that the Petitioner before entering appearance before the Respondents and submitting his objections to the proceeding as also to the impugned Order has filed the present Writ Petition, this Court is not inclined to entertain the present Writ Petition at this juncture.

5. However, the right of the Petitioner stands reserved to approach the concerned Sub Divisional Officer i.e. Respondent No.3 by moving appropriate application on the merits as also in respect of the preliminary objection, if any, that he has so far as the maintainability of the appeal is concerned.

6. Writ Petition accordingly with the aforesaid liberty stands disposed of.

Sd/-
(P. Sam Koshy)
Judge