

(2018) 08 CHH CK 0088

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2136, 2159 Of 2018

Chhabishankar Gupta

APPELLANT

Vs

State Of Chhattisgarh
And Ors

RESPONDENT

Date of Decision: Aug. 3, 2018

Acts Referred:

- Chhattisgarh Land Revenue Code, 1959 - Section 44(1)

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Kamlesh Kumar Pandey, Avinash Singh

Final Decision: Disposed Of

Judgement

Sanjay K. Agrawal, J

1. Learned Panel Lawyer for the respondents/State would submit that order rejecting his application for diversion is appealable under Section 44 (1) of the Chhattisgarh Land Revenue Code, 1959 (hereinafter called as 'Code'), therefore, the present writ petitions are not maintainable.

2. Learned counsel for the petitioners would submit that the impugned order is without jurisdiction and without authority of law, therefore, the writ petitions are maintainable.

3. I have heard learned counsel for the parties.

4. Since the order is appealable before the appellate authority under Section 44(1) of the Code, the present writ petitions are not maintainable.

Accordingly, it is dismissed. However, the petitioners are at liberty to prefer an appeal before the appropriate authority in accordance with law.

5. Needless to say, if the appeal is preferred, the appellate authority shall do well to dispose of the same expeditiously, preferably within a period of two months from the date of its receipt.
6. Certified copy of the order dated 28.6.2017 be returned to counsel for the petitioners after furnishing attested photocopy thereof. No order as to cost(s).