

## Chhabishankar Gupta Vs State Of Chhattisgarh And Ors

**Court:** Chhattisgarh High Court

**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).