

(2018) 07 CHH CK 0153

Chhattisgarh High Court

Case No: Writ Petition (C) No. 1751 Of 2018

Mahtaru Ram And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 3, 2018

Acts Referred:

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

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Uttam Pandey, Arun Sao

Final Decision: Disposed Of

Judgement

Sanjay K. Agrawal, J

1. This writ petition has been preferred by the petitioners being aggrieved by order dated 21.05.2018 (Annexure- P/3) passed by the Tahsildar, District

Rajnandgaon.

2. Learned State counsel would submit that the impugned order passed by the Tahsildar is appealable under Section 44(1) of the Chhattisgarh Land

Revenue Code, 1959 therefore, petitioners be relegated before the Sub- Divisional Officer (Revenue).

3. At this stage, learned counsel for the petitioners would submit that petitioners have suffered injustice therefore, remedy of appeal is not efficacious.

4. I have heard learned counsel for the parties and gone through the records with utmost circumspection.

5. Since the order passed by the Tahsildar is appealable before the Appellate Authority, the writ petition filed by the petitioners cannot be entertained.

However, liberty is reserved in favour of the petitioners to file an appeal before the jurisdictional Appellate Authority in accordance with law.

Needless to say that if such an appeal is filed by the petitioners then the Appellate Authority shall consider and dispose of the said appeal expeditiously.

6. Certified copy of the impugned order be returned to the counsel for the petitioner on his furnishing attested photocopy thereof.

7. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).