

(2018) 07 CHH CK 0181

Chhattisgarh High Court

Case No: Writ Petition 227 No. 570 Of 2018

Maniram Chelak

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: July 12, 2018

Acts Referred:

- Chhattisgarh Land Revenue Code, 1959 - Section 109, 110

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: SC Verma, SK Mishra

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. Learned counsel for the petitioner submits that despite the order of the Board of Revenue to mutate the land declaring the petitioner is the owner in

the year 2010, when on an application filed, the mutation was commenced before the Tehsildar, the Tehsildar by its order dated 01.02.2017 has

refused to obey the orders of the Board of Revenue on the ground that the order of the Board of Revenue needs to be reviewed and made a

reference for review. The counsel submits that the Tehsildar do not have any such power under the Chhattisgarh Land Revenue Code, 1959.

3. Perused the order dated 01.02.2017, prima facie, it appears that the Tehsildar primarily has disobeyed the order of the Board of Revenue and has

refused to follow the directions of the Board of Revenue dated 13.12.2010 on mutation. One statutory authority exercising judicial or quasi-judicial

function may not be happy with any order of his appellate authority but under any circumstances the direction so given by the higher appellate forum

cannot be overreached. Considering the entire facts & circumstances of the case, the writ petition is disposed of with a direction that the order dated

01.02.2017 passed by the Tehsildar is set aside and the Tehsildar is further directed to proceed in accordance with law under Section 110 & 109 of

the Chhattisgarh Land Revenue Code, 1959 for mutation proceedings.