



THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1897/2001

1897/2001

PETITIONER :



RESPONDENTS :



M/s. Parekh Enterprises
Through its proprietor,
Satrar Parekh son of Daud Bhai
Resident of Keshkal
District: Jagdalpur (Chhattisgarh)

VERSUS

~~The State of Chhattisgarh~~

1) The State of Chhattisgarh
Through its Secretary
Mineral Resources Department
Secretariate, D.K. Bhawan,
Raipur.

2) The Commissioner, Jagdalpur.

3) The Collector, Kanher.

4. The Tahsildar, Keshkal,
District-Bastar.

5) The Officer-in-Charge
M.P. State Mining Corporation
Sub Office, Keshkal,
District: Bastar.

WRIT PETITION UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA

आदेश पत्रक

W.P.No.1897/2001

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>30/10/2001</u></p> <p>Shri R.S. Jaiswal, counsel for the petitioner. Shri Deep Kesharwani, learned PL for the State. Heard.</p> <p style="text-align: center;"><u>O R D E R</u></p> <p>Shri Deep Kesharwani, learned PL for the respondent /State submits that since this petition is directed against an interim order passed by the Commissioner by which stay was refused, the petitioner could have filed, if aggrieved, a revision petition before the ^{Board} Court of Revenue under Section ⁵⁰ 15 of M.P. Land Revenue Code, 1959. It is the submission of Shri Deep Kesharwani that though an interim order is not ^{appealable} available since there is a provision for revision, the same of the said alternative remedy ought to have been exhausted. The petitioner is aggrieved by demand/notice for recovery of the sum of Rs.10,60,412.28 ps including penalty. This recovery is sought to be stayed. It is stated that appeal was filed before the Commissioner against the order issued by the Collector some time in November, 2000 and the said appeal is still pending for disposal. The next date fixed in the said appeal is 20th December, 2001. Since</p>	

[पीछे देखिये]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>.. 2 ..</p> <p>the matter has been pending for quite a long time, it is necessary, in my view that the appeal should be decided without further delay.</p> <p>Let the Commissioner decide the appeal without further delay by hearing the parties on the next date positively and pass necessary orders not later than 31st December, 2001.</p> <p>Mr. Deep Kesharwani submits that no relief should be allowed to the writ petitioner and if there is any relief allowable such relief should be made available only by the Appellate Authority. According to the order of Collector, the sum of money recoverable from the petitioner is Rs.5,30,205.64 ps. However, including the penalty the total amount would come to Rs.10,60,412.28 ps. Subject to deposit of Rs.2,00,000/- within 15 days, recovery shall remain stayed until the appeal is finally disposed of by the Appellate Authority i.e., by the Commissioner before whom the appeal is pending as stated above.</p> <p>With the above observations and directions, this petition is disposed of.</p> <p>Certified copy as per rules.</p>	<p>Sd/- Chief Justice</p>

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