

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 517 of 2023**

1. Narayani Diwan Wd/o Late Suresh Diwan Aged About 63 Years R/o Village Kirwai, Tahsil Rajim, District Gariyaband Chhattisgarh
2. Pawan Kumar Diwan (Dead) Through Lrs Nill
  - 2.1 - (A) Rajkumar Diwan S/o Late Pawan Kumar Diwan Aged About 42 Years R/o Behind Surya Apartment, Rani Smriti Bhawan, Tagore Nagar, Raipur District Raipur Chhattisgarh
3. Sanat Kumar Diwan (Dead) Through Lrs Nill
  - 3.1 - (A) Ratna Diwan W/o Late Sanat Kumar Diwan Aged About 58 Years R/o Near Pani Tanki, Bhanpuri, Raipur, District Raipur Chhattisgarh
  - 3.2 - (B) Prashant Diwan S/o Late Sanat Kumar Diwan Aged About 66 Years R/o Near Pani Tanki, Bhanpuri, Raipur, District Raipur Chhattisgarh
  - 3.3 - (C) Praveen Diwan S/o Late Sanat Kumar Diwan Aged About 40 Years R/o Near Pani Tanki, Bhanpuri, Raipur, District Raipur Chhattisgarh
4. Kusum Diwan W/o Late Vallabh Diwan Aged About 62 Years R/o Village Kirwal, Tahsil Rajim, District Gariyaband Chhattisgarh
5. Ravi Kumar Diwan S/o Late Kunj Lal Diwan Aged About 66 Years R/o Village Kirwal, Tahsil Rajim, District Gariyaband Chhattisgarh

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi, Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Additional Commissioner Raipur, Division Raipur District Raipur Chhattisgarh
3. Collector Gariyaband, District Gariyaband Chhattisgarh
4. Additional Collector Gariyaband, District Gariyaband Chhattisgarh
5. Sub Divisional Officer (Revenue) Gariyaband, District Gariyaband Chhattisgarh

**---- Respondent**


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For Petitioners	:	Mr. B.D. Guru, Advocate
For State	:	Mr. Aman Kesharwani, Panel Lawyer

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**Hon'ble Shri Justice P. Sam Koshy**  
**Order on Board**

**31/01/2023**

1. The grievance of the petitioners seems to be the order dated 16.11.2022 passed by the Additional Commissioner, Raipur division in Appeal Case No. 922 A/71 Year 2013-14. The said order is one which could be challenged by way of a revision before the Board of Revenue.
2. Perusal of the checkered history of the proceedings between the petitioners and the respondents would reveal that in the past also the litigation has traveled on a couple of occasions through the statutory authorities prescribed under the Act including the Board of Revenue. The matter has been remitted and remanded back on a couple of occasions for an appropriate decision on merits and finally an order now has been passed by the Additional Commissioner, which too is a revisable order by preferring a revision before the Board of Revenue.
3. Taking into consideration the fact that the petitioners in the past has exhausted the statutory remedies available to them and the dispute seems to be one which has arisen in the year 1963, it would be more appropriate for this Court to dispose of the writ petition at this juncture permitting the petitioners to avail the remedy of revision assailing the order passed by the Additional Commissioner before the Board of Revenue.
4. Subject to the petitioner making an appropriate revision petition before the concerned Board of Revenue, the Board of Revenue is expected to take an appropriate decision dealing with all the contentions and submissions that the petitioners shall be raising in the revision petition. The Board of Revenue is expected to take a decision at the earliest,

more particularly for the reason that the dispute is pending before the respondent authorities since 1963 onwards. The petitioners would also be at liberty to move an appropriate application for grant of any interim protection for the intervening period.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-  
**(P. Sam Koshy)**  
**Judge**