

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.558 of 2024

Chandarmati Kurre D/o Hariram Aged About 48 Years Resident Of Village Hardi, Tahsil Pithora, District Mahasamund (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (C.G.)
2. Collector, Mahasamund District Mahasamund (C.G.)
3. Sub Divisional Officer (Revenue) Tahsil Pithora, District Mahasamund (C.G.)
4. Tahsildar Tahsil Pithora, District Mahasamund (C.G.)
5. Hirondi Bai W/o Janak Ram Resident Of Village Hardi, Tahsil Pithora, District Mahasamund (C.G.)
6. Amar Singh Som Maljamadar, Tahsil Pithora, District Mahasamund (C.G.)

---- Respondents

(Cause Title taken from Case Information System)

For Petitioner	:	Mr. Shikhar Sharma, Advocate
For State	:	Mr. D.R. Minj, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

31.01.2024

Heard.

- 1) Learned counsel appearing for the petitioner would submit that an order has been passed by the Tehsildar, Tehsil-Pithora, District Mahasamund (C.G.) on 09.01.2024 according to the provisions of Section 248 of the C.G. Land Revenue Code and a warrant of eviction has been issued by respondent No.4/Tehsildar on the same day with

respect to the subject matter of the lis i.e. the dwelling house situated at Village-Hardi, Tehsil-Pithora, District-Mahasamund (C.G.) bearing Survey No.149 measuring 0.870 hectares where the petitioner is residing.

- 2) On the other hand, learned counsel appearing for the State would submit that there is an alternative remedy to prefer an appeal before the Sub-Divisional Officer (Revenue) against the order passed by respondent No.4/Tehsildar according to the provisions of Section 44 of the C.G. Land Revenue Code, therefore, the present petition is not maintainable.
- 3) Taking into consideration the fact that there is an efficacious alternative remedy to prefer an appeal before the concerned authority, the present petition is not maintainable, however, as the warrant of eviction has already been issued by respondent No.4/Tehsildar on 09.01.2024, the petitioner is granted liberty to prefer an appeal along with an application for the grant of stay before respondent No.3/Sub-Divisional Officer (Revenue) within a period of 10 days and if the same is preferred, the respondent No.3 shall decide the application for the grant of stay within a further period of 15 days after affording the due opportunity of hearing to the parties and for a period of 25 days, the warrant of eviction shall not be given any effect.
- 4) With the aforesaid observation(s), the present petition is disposed of.

Sd/-

(Rakesh Mohan Pandey)
Judge