

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 207 of 2024**

1 - Habib Bhai S/o Abdul Gaffar, Aged About 35 Years R/o Village Dhawalpurdeeh, Tahsil Gariyaband, District Gariyaband Chhattisgarh.

2 - Gulam Memon S/o Mohd. Ekbal Memon, Aged About 36 Years R/o Village Mainpourkhurd, Tahsil Mainpur, District Gariyaband Chhattisgarh.

---- Petitioners

Versus

1 - State Of Chhattisgarh Through Collector Gariyaband, District Gariyaband Chhattisgarh.

2 - Sub Divisional Officer (Rev) Gariyaband, District Gariyaband Chhattisgarh.

3 - Man Singh, S/o Ganesh R/o Village Pargaondeeh, Tahsil Gariyaband, District Gariyaband Chhattisgarh.

4 - Rabiram S/o Dashmat Rawat At Present R/o Village Sabebin Kachhar, Tahsil Mainpur, District Gariyaband Chhattisgarh.

5 - Pramand S/o Kalakar (Now Dead) Through Legal Heirs Khemalal, S/o Parmanand R/o Dhawalpurdeeh, Tahsil Gariyaband, District Gariyaband Chhattisgarh.

6 - Revenue Inspector, Revenue Circle Bindra Nawagarh, Tahsil Gariyaband, District Gariyaband Chhattisgarh.

---- Respondents

(Cause-title taken from Case Information System)

For the petitioners : Ms. Itu Rani Mukherjee, Advocate

For respondent /State : Mr. Sangharsh Pandey, Govt. Adv.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Hon'ble Mr. Sachin Singh Rajput, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****28.06.2024**

1. The petitioners have filed the instant petition with the following prayer:-

“ (i) That, this Hon’ble Court may kindly be pleased to call for the entire records pertaining to the petitioners’ s case

(ii) That, this Hon’ble Court may kindly be pleased to issue writ/ or writs/ order/ or orders, to quash the impugned order dated 12.02.2024 (Annexure P-1) passed by the Collector/respondent No.1, in the interest of justice.

(iii) Any other relief which may be suitable in the facts and circumstances of the case including cost of the petition, may also be granted.”

2. In this writ petition, the petitioners are seeking to quash the impugned order dated 12.02.2024 passed by the Collector/respondent No.1.

3. Learned counsel for the petitioners pray for withdrawal of this writ petition.

4. Learned State counsel, on the other hand, opposes the submissions made by learned counsel for the petitioners and submits that the petition is liable to be dismissed at threshold as the same is not maintainable.

5. On perusal of records, it is reflected that against the impugned order passed by the Collector District Gariyaband (CG) dated 12.02.2024, the petitioners herein earlier filed a petition bearing WPC No.1588 of 2024. As the impugned order was appealable under Section 44 of C.G. Land

Revenue Code, 1959 (for short "Code of 1959"), the petitioners sought withdrawal of the writ petition with liberty to avail remedy available under the law. WPC No.1588/2024 was accordingly disposed of reserving the liberty in favour of the petitioners to prefer an appeal before the appropriate authority vide its order dated 18.03.2024.

6. Considering the facts and circumstances of the case, after perusal of record it appears that instead of filing an appeal under Section 44 of the Chhattisgarh Land Revenue Code, 1959, the present writ petition has been filed which is not maintainable, therefore, we are inclined to dismiss this petition with cost of Rs.10,000/- for wasting the valuable time of the Court. The cost should be deposited within a period of one month to the High Court Legal Service Committee failing which it shall be recovered as arrears of Land Revenue Code from the petitioners.

7. Thus the prayer for withdrawal of the petition is rejected and the petition is dismissed with the aforesaid observations.

Sd/-

(Sachin Singh Rajput)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Parul