



2025:CGHC:39551



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 475 of 2025

1 - Rajesh Yadav S/o Late Dalluram Yadav Aged About 37 Years R/o Jailgaon Basti, Jamnipali, Tahsil- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

... Petitioner(s)

versus

1 - The Collector District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

2 - The Sub-Divisional Magistrate Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

3 - The Tahsildar Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

4 - Korba City College Korba Through Its Principal/director, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Shri Samsun Samuel Masih, Advocate
For Respondent(s)	:	Ms. Upasna Mehta, Dy.GA



(Hon'ble Shri Justice Arvind Kumar Verma)

Order on Board

07/08/2025

The instant petition has been preferred against the inaction of the respondent/authorities in not proceeding for recovery of remuneration of the petitioner as per the order of the Appellate Authority, Chhattisgarh Shop and Establishment Act, 1958, District Korba (CG) passed in Appeal No. 01/shop Appeal/KRB/2007. The petitioner is being aggrieved by his discontinuation against which he has filed appeal before the Appellate Authority and the order has been passed in favour of the petitioner.

2. Facts of the case are that the petitioner has submitted the copy of order dated 30.11.2007 before the respondent No.4 for compliance and for release of dues/remuneration but the respondent No.4 did not release the dues. Thereafter he filed application before the Tahsil and Executive Magistrate, Korba for attachment of the property held by the respondent No.4 and payment of dues/remuneration to the petitioner. On the basis of the said application, the Tahsildar, Korba issued attachment warrant against the respondent NO.4 and directed the In charge, Police Chowki, Manikpur, Korba for attachment of property of respondent No.4. However, after issuance of attachment warrant the respondent No.3 did not proceed further against the respondent No.4 and kept the matter pending till date.

3. Contention of the petitioner is that direction may be issued to the



the respondents authorities to release the dues of the petitioner as ordered by the appellate authority.

4. Per contra, learned State counsel submits that in exercise of the power vested to him under Section 146 of the Chhattisgarh Land Revenue Code, 1959 which reads as under:

“146. Notice of Demand- A Tahsildar or Naib Tahsildar may cause a notice of demand to be served on any defaulter before the issue of any process under Section 147 for the recovery of an arrear.”

In view of the aforesaid provision, the respondents had exercised its power in view of the order passed by the appellate authority and therefore, has not committed any illegality or infirmity in the instant case. It is submitted that the order dated 30.11.2007 has been passed by the learned Appellate Authority under Chhattisgarh Shops and Establishment Act, 1958 Korba which has attained finality. It is therefore submitted that the petitioner has failed to raise any ground in his favour and the grounds so urged is not available to him and therefore the petitioner is not entitled for any relief as prayed for.

5. In view of the submissions made by the counsel for the parties, the present petition is disposed of with a direction to the respondent authorities to decide the grievance, if any, of the petitioner after affording opportunity of hearing, expeditiously in accordance with law

Sd/-

(Arvind Kumar Verma)
Judge