



2026:CGHC:10220



2026:CGHC:10220

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 837 of 2026

1 - Karmu Sao (Dead) Nill

1.1 - (I) Bhuvneshwar Sao S/o Karmu Sao Aged About 62 Years R/o Village- Keharpur Tehsil Basna District- Mahasamund (C.G.)

1.2 - (Ii) Visheswar Sao S/o Karmu Sao Aged About 58 Years R/o Village- Keharpur Tehsil Basna District- Mahasamund (C.G.)

1.3 - (Iii) Rameshwar Sao S/o Karmu Sao Aged About 56 Years R/o Village- Keharpur Tehsil Basna District- Mahasamund (C.G.)

1.4 - Urmila W/o Karmu Sao Aged About 87 Years R/o Village- Keharpur Tehsil Basna District- Mahasamund (C.G.)

... Petitioners.

versus

1 - Collector District- Mahasamund (C.G.)

2 - Sub- Divisional Officer (Revenue) Basna District- Mahasamund (C.G.)

3 - Dhansai (Dead) Through Legal Representatives Nill

3.1 - (I) Sundarmadi Sao D/o Dhansai Sao R/o Keharpur Tehsil Basana District- Mahasamund (C.G.)

3.2 - (Ii) Tilotma Sao D/o Dhansai Sao R/o Keharpur Tehsil Basana District- Mahasamund (C.G.)

3.3 - (Iii) Dilmoti Sao S/o Dhansai Sao R/o Keharpur Tehsil Basana District- Mahasamund (C.G.)

3.4 - (Iv) Chandrawati W/o Dhansai Sao R/o Keharpur Tehsil Basana District- Mahasamund (C.G.)

... Respondents.

(cause title downloaded from CIS Periphery)



For Petitioners : Mr. Mateen Siddiqui, Advocate.
For Res No.1 & 2/ State : Mr. Shobhit Mishra, Govt. Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

27/02/2026

Heard.

1. This Writ Petition under Article 226 of the Constitution of India has been filed for the following reliefs:-

"**10.1** This Hon'ble Court may kindly be pleased to quash and set aside the impugned order dated 09.07.2025 passed by the Sub-Divisional Officer (Revenue) Mahasamund in Case No.202401123500032/A-05. [ANNEXURE P/1.]

10.2 The Hon'ble Court may kindly be pleased to restore the order passed in favour of the plaintiff by tehsildar in map correction proceeding undertaken under Section 89 of the Land Revenue Code in Case No. 14-A/5. [ANNEXURE P/3.]

10.3 The Hon'ble Court may kindly be pleased to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner as per the facts & circumstance of the present case, in the ends of justice."

2. Learned counsel for the petitioner submits that after settlement proceeding due to an error in the map of subject land, an application was filed by late Karmu Sao for correction in record before Tahsildar Basna. On 27.12.2008 Tahsildar Basna has passed an order (Annexure-P/3) in favour of the petitioner. Aggrieved by the order dated 27.12.2008, an appeal was preferred by late Dhansao (respondent No.3) before Sub Divisional Officer (Revenue) Saraipali and vide order dated 30.12.2010 (Annexure-P/4) the said appeal was rejected on the ground of limitation. Subsequently,



respondent No.3 preferred second appeal before the Additional Commissioner, Raipur, however, vide order dated 23.01.2012 (Annexure-P/5) the second appeal of the private respondent was allowed and earlier two orders dated 27.12.2008 and 30.12.2010 both were quashed. Counsel further submits that being aggrieved by the order dated 23.01.2012, the petitioner preferred a revision before the Board of Revenue Bilaspur, whereby, vide order dated 29.10.2014 (Annexure-P/6), the Board of Revenue has upheld the order dated 23.01.2012.

3. He next submits that late Karmu Sao has challenged the aforesaid orders by filing WP227 No.881/2014¹ before this Court. Vide order dated 07.09.2022 (Annexure-P/7) this Court has set-aside the orders dated 23.01.2012 and 29.10.2014 and remitted back the matter to Sub Divisional Officer (Revenue) Saraipali, District Mahasamund to deice the case afresh after affording proper opportunity of hearing to the both the parties. He submits that after order of this Court, fresh case has been registered by Sub Divisional Officer (Revenue), Basna (earlier Saraipali), District Mahasamund as E Court No. 202401123500032/A-05/2023-24 (Dhansai (dead) and Ors Vs. Karmu (dead) and Ors). In the said case an opportunity of hearing was granted to the parties, new evidences were obtained from the concerned Authorities and fresh enquiry report was also prepared on 25.06.2025 by the Revenue Authorities. However, the Sub Divisional Officer(R) Basna only relying on the report dated 25.06.2025 passed the impugned order dated 09.07.2025 (Annexure-P/1) which is arbitrary and completely perverse to the order passed by this Court in 07.09.2022. Therefore, this petition be admitted for hearing.

¹(Karmu Sao (Teli) Vs. State of CG and anr)



4. On the other hand, learned State counsel supports the impugned order. He further submits that the impugned order has been passed by Sub Divisional Officer (Revenue) Basna under Section 44(1) of the Chhattisgarh Land Revenue Code 1959 (for brevity "**Code 1959**") and said order is appealable under Section 44(2) of the Code 1959. Hence, in view efficacious alternative remedy, this writ petition is not maintainable at this stage.
5. Heard learned counsel for the parties and perused the material on record.
6. A perusal of impugned order dated 09.07.2025 (Annexure-P/1) shows that it has been passed by the Sub Divisional Officer (Revenue), Basna, District Mahasamund under Section 44(1) of the Code 1959.
7. Section 44(2) of the Code 1959 specifically provides that a second appeal shall lie against the order passed in first appeal. Hence, in view specific provision with regard to second appeal which provides efficacious alternative remedy to the petitioners to file an appeal before the Commissioner, this Court is not inclined to entertain this petition, at this stage.
8. Accordingly, this petition is disposed of. The petitioners are at liberty to avail the remedy of appeal as provided under Section 44(2) of the 1959 Code.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay