



2026:CGHC:24585-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 475 of 2026**

Naveen Kumar Kurre S/o Roop Kumar Kurre Aged About 24 Years R/o Village Bhaisamuda, P.H. No. 9, Tahsil Nawagarh Distt Bemetara Chhattisgarh

... appellant(s)**versus**

1 - The Board Of Revenue, Bilaspur Circuit Court, Raipur Chhattisgarh

2 - Commissioner Durg Division, District Durg Chhattisgarh

3 - Sub Divisional Officer (R) Nawagarh, Distt. Bemetara Chhattisgarh

4 - Tahsildar/ Naib Tahsildar Nawagarh, Distt. Bemetara Chhattisgarh

5 - Dhan Lal Kurre S/o Ishwar Kurre Aged About 45 Years R/o Village Bhaisamuda, P.H. No. 9 Tahsil - Nawagarh, Distt. Bemetara Chhattisgarh

... Respondent(s)

For appellant (s) : Mr. Hanuman Prasad Agrawal, Advocate

For State : Mr. Prasun Bhaduri, Dy. A.G.

For Respondent No. 5 : Mr. Malay Shrivastava, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice
18.06.2026

1. Heard Mr. Hanuman Prasad Agrawal, Advocate, appearing for the appellant as well as Mr. Prasun Bhaduri, Dy. Advocate General and Mr.

Malay Shrivastava, learned counsel for the Respondent No. 5 in the present writ appeal on I.A. No. 02, which is an application for condonation of delay in filing the appeal.

2. On due consideration and for the reasons mentioned in the application, the I.A. No. 2 is allowed. The delay in filing the appeal is condoned.
3. The present writ appeal has been filed by the writ appellant against the order dated 19.01.2026 passed by learned Single Judge in WPS No. 8704/2023 whereby the writ petition filed by the writ petitioner is dismissed. Thereafter, the appellant prefer the instant appeal before this Court with the following prayer:-

“It is therefore prayed that the Hon’ble Division Bench may kindly be pleased to allow this writ appeal and set aside the order passed by this Hon’ble High Court on 19.01.2026 and the writ petition filed by the petitioner be allow in toto, in the interest of justice.”

4. The brief facts of the case are that, the present matter arises out of the appointment to the post of Village Kotwar of Village Bhaishaguda, which became vacant upon the resignation of the erstwhile Kotwar, Shri Ishwar Das S/o Uderam, who was also the grandfather of the writ petitioner. Pursuant thereto, the petitioner submitted an application dated 04.03.2021 before the Tahsildar seeking appointment to the said post, whereupon Case No. 07/A-56/2020-21 was registered and the prescribed procedure was initiated, including publication of an Ishtahar inviting applications and objections, verification of character antecedents through the Police Station Nawagarh, and calling for recommendations/resolutions from the Gram Panchayat. Since no objection, claim, or application was received from any person, including respondent No.5, within the stipulated period and the Gram Panchayat,

by its resolution, recommended the petitioner for appointment, the petitioner had a legitimate expectation of being considered for the post. However, the Naib Tahsildar (respondent No.4), by order dated 10.08.2021, rejected the petitioner's application and appointed respondent No.5 as Village Kotwar. Aggrieved thereby, the petitioner preferred an appeal before the Sub-Divisional Officer (Revenue), who, by order dated 08.11.2021, allowed the appeal and set aside the appointment of respondent No.5. Against the said order, respondent No.5 preferred a further appeal before the Commissioner, Durg Division, who, vide order dated 15.03.2022, allowed the appeal and restored the appointment of respondent No.5 by setting aside the order of the Sub-Divisional Officer (Revenue). Challenging the same, the petitioner filed a revision before the Board of Revenue, Circuit Court, Raipur, which, by order dated 26.07.2023, partly allowed the revision, set aside the orders dated 10.08.2021, 08.11.2021 and 15.03.2022, and remanded the matter to the competent authority for fresh adjudication after considering the claims of both candidates in accordance with law. The order of remand dated 26.07.2023 was thereafter challenged by respondent No.5 in Writ Petition(S) No. 5914 of 2023, while the petitioner also filed Writ Petition(S) No. 8704 of 2023 seeking appropriate reliefs. Both writ petitions were heard together and were disposed of by a common judgment and order dated 19.01.2026 passed by the learned Single Judge of this Court. Being aggrieved by the orders passed in the proceedings relating to the appointment of Village Kotwar and the subsequent adjudication thereof, the petitioner has preferred the present proceedings seeking appropriate relief from this Court.

5. Learned counsel for the appellant submits that the impugned judgment and order passed by the learned Single Judge is contrary to the material available on record and the provisions governing appointment to the post of Kotwar, and is therefore liable to be set aside. It is contended that Rule 4(1) of the Rules made under Section 230 of the Chhattisgarh Land Revenue Code, 1959, mandates that appointment to the vacant post of Kotwar shall be made on the basis of a duly passed resolution of the concerned Gram Panchayat and, if the person recommended by the Gram Panchayat is found ineligible, the competent authority is required to record reasons, reject the resolution and call for a fresh proposal from the Gram Panchayat. In the present case, the Gram Panchayat had specifically recommended the name of the appellant and no resolution was ever passed in favour of respondent No.5. Further, neither was the Panchayat resolution recommending the appellant rejected in accordance with law nor was any fresh proposal invited from the Gram Panchayat before appointing respondent No.5. It is further submitted that respondent No.5 had not submitted any application pursuant to the public notice within the prescribed period and no character verification report was obtained from the concerned police authorities in respect of respondent No.5, whereas the appellant had participated in the selection process and fulfilled all requisite formalities. The learned counsel submits that the Sub-Divisional Officer (Revenue), after considering the entire record, had passed a well-reasoned order dated 08.11.2021 in favour of the appellant, however, the Commissioner erroneously set aside the said order without properly appreciating the statutory requirements and the documentary evidence on record. It is further submitted that the Board

of Revenue also failed to adjudicate the matter on merits and merely remanded the case for fresh consideration. The learned Single Judge, while dismissing the writ petition, failed to consider these material aspects, including the Gram Panchayat's recommendation in favour of the appellant and the procedural irregularities committed in appointing respondent No.5 solely on the basis of preference. Accordingly, it is prayed that the impugned judgment be set aside.

6. Learned counsel appearing on behalf of respondent No.5, Dhanlal Kurre, submits that the impugned judgment passed by the learned Single Judge does not warrant any interference, as the same is based upon a proper appreciation of the facts and the applicable provisions of law. It is contended that the post of Kotwar became vacant upon the resignation of Ishwar Das, the erstwhile Kotwar and father of respondent No.5, and therefore respondent No.5, being the son and nearest legal heir of the ex-Kotwar, was entitled to preferential consideration for appointment in accordance with the scheme of the Chhattisgarh Land Revenue Code and the Kotwari Rules. It is submitted that both the appellant and respondent No.5 had applied for the post and their claims were duly considered by the competent authority. Upon evaluating the comparative merits of the candidates, including age, maturity, experience and suitability for discharging the duties of Kotwar, the Tehsildar, by a reasoned order dated 10.08.2021, found respondent No.5 to be the more suitable candidate and accordingly appointed him as Kotwar. It is further submitted that respondent No.5, being about 45 years of age and having closely assisted his father in the performance of Kotwari duties over a considerable period of time, possessed greater practical experience

and familiarity with village administration than the appellant, who was only about 24 years of age. The Commissioner, Durg Division, upon a thorough consideration of the record, rightly held that preference in matters of appointment to the post of Kotwar should ordinarily be accorded to the son of the ex-Kotwar and further found that the order passed by the Sub-Divisional Officer (Revenue) was not a speaking order and had failed to properly consider the relevant factors favouring respondent No.5. Consequently, the Commissioner correctly restored the appointment of respondent No.5 by setting aside the order dated 08.11.2021. It is further submitted that the Board of Revenue did not record any finding declaring the appointment of respondent No.5 to be illegal or invalid, rather, considering certain procedural aspects relating to the proposals and recommendations obtained during the Covid-19 period, it merely remanded the matter for fresh consideration of the rival claims of both candidates. The Board of Revenue thus sought to balance the competing claims without disturbing the merits already considered by the authorities.

7. He further submits that the appellant cannot claim an indefeasible right to appointment merely on the basis of a Gram Panchayat resolution or educational qualification, particularly when the competent authority, after considering all relevant circumstances, found respondent No.5 to be more suitable for the post. It is therefore submitted that the orders passed by the Tehsildar and the Commissioner were legal, justified and in consonance with the governing statutory provisions, and the learned Single Judge has rightly declined to interfere with the same. Accordingly, the present appeal deserves to be dismissed and the appointment of respondent No.5, be upheld.

8. We have heard learned counsel for the parties and perused the material annexed with the appeal as well as petition.
9. After considering the submissions made by learned counsel for the parties and perusal of the documents on record, we are going through the judgment passed by learned Single Judge, in which the learned Single Judge found that both the rival claimants, namely Dhanlal Kurre and Naveen Kumar Kurre, were close relatives of the erstwhile Kotwar, Ishwar Das, with Dhanlal Kurre being his son and Naveen Kumar Kurre his grandson. The learned Single Judge observed that, as a matter of settled practice, preference in appointment to the post of Kotwar is ordinarily accorded to the son of the ex-Kotwar and that such preference would shift to the grandson only in the absence of a son or where the son is found ineligible. He further noted that Dhanlal Kurre, being about 45 years of age, possessed greater maturity and practical experience than Naveen Kumar Kurre, who was about 24 years old, and that no material was available on record to establish any disqualification or ineligibility on the part of Dhanlal Kurre. The learned Single Judge further held that the duties of a Kotwar are largely community-oriented and require familiarity with the residents and affairs of the village, for which an older and more experienced person would be better suited. On this basis, it was concluded that the Naib Tehsildar had rightly exercised his discretion under Section 230 of the Chhattisgarh Land Revenue Code by appointing Dhanlal Kurre and that the Commissioner had correctly affirmed the said appointment by order dated 15.03.2022. The learned Single Judge also held that the Board of Revenue erred in remanding the matter for fresh consideration instead of deciding the dispute on merits, thereby

unnecessarily prolonging the litigation. Consequently, the learned Single Judge quashed the order dated 26.07.2023 passed by the Board of Revenue and the order dated 08.11.2021 passed by the SDO (Revenue), restored the appointment order dated 10.08.2021 in favour of Dhanlal Kurre as affirmed by the Commissioner on 15.03.2022, allowed WPS No. 5914 of 2023 filed by Dhanlal Kurre and dismissed WPS No. 8704 of 2023 filed by Naveen Kumar Kurre.

10. Thus, considering the submissions made by the parties and in the aforesaid facts and circumstances of the case and the finding recorded by the learned Single Judge, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.
11. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed. No cost(s)..

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice