



2026:CGHC:3143



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5914 of 2023**

Dhanlal Kurre S/o Ishwar Kurre, Aged 45 Years, R/o Village - Bhainsamuda,  
Patwai Halka Number - 09, Tahsil - Navagarh, District - Bemetara (C.G.)

**--- Petitioner(s)****versus**

**1** - Naveen Kumar Kurre S/o Roop Kumar Kurre R/o Village Bhainsamuda,  
Patwari Halka Number - 09, Tahsil - Navagarh, District - Bemetara (C.G.)

**2** - State Of Chhattisgarh Through Secretary Department Of Revenue and  
Disaster Management, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal  
Nagar, Raipur (C.G.)

**3-** Commissioner Durg Division, Durg, District - Durg (C.G.)

**4-**Collector Bemetara, District - Bemetara (C.G.)

**5** - Sub-Divisional Officer (R) Navagarh, Tahsil - Navagarh, District -  
Bemetara (C.G.)

**6** - Tahsildar Navagarh, Tahsil - Navagarh, District - Bemetara (C.G.)

**--- Respondent(s)**



Naveen Kumar Kurre S/o Roop Kumar Kurre, Aged About 24 Years R/o Village Bhaisamuda, P.H. No. 9, Tahsil Nawagarh, District Bemetara (C.G.)

---**Petitioner(s)**

**Versus**

**1** - The Board Of Revenue Bilaspur, Circuit Court, Raipur (C.G.)

**2** - Commissioner Durg Division District Durg (C.G.)

**3** - Sub Divisional Officer (R) Nawagarh, District Bemetara (C.G.)

**4** - Tahsildar / Naib Tahsildar Nawagarh District Bemetara (C.G.)

**5** - Dhan Lal Kurre S/o Ishwar Kurre Aged About 26 Years R/o Village Bhaisamuda, P.H. No. 9, Tahsil Nawagarh, District Bemetara (C.G.)

--- **Respondent(s)**

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| For Petitioner/<br>Respondent-Dhanlal :<br>Kurre | Ms. Anu Mishra, Advocate on behalf of Mr. Malay<br>Shrivastava, Advocate |
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| For Petitioner/<br>Respondent –<br>Naveen<br>Kumar Kurre | Mr. Bharat Rajput, Advocate |
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| For Respondent/<br>State | : Ms. Vartika Shrivastava, Panel Lawyer |
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**SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**19/01/2026**

1. Since the issues raised in both these captioned petitions are the same and the impugned order dated 26.7.2023 passed by the Chhattisgarh



Board of Revenue, Bilaspur, Circuit Court, Raipur, also being the same, they are taken up analogously for hearing and are being disposed of by this common order.

2. By the impugned order 26.7.2023, the Board of Revenue has set-aside/quashed the order dated 10.8.2021 passed by the Tehsildar; Navagarh; the order dated 8.11.2021 passed by SDO (R), Navagarh, District Bemetara; and the order 15.3.2022 passed by the Commissioner, Durg Division. Further, the Tehsildar, Nawagarh has been directed to initiate fresh proceedings for appointment to the post of Kotwar from amongst eligible candidates and after following the due process of law, appoint a new Kotwar. In both the present petitions, the respective petitioners have challenged the aforesaid order. While seeking to set-aside the order dated 26.7.2023, they have further prayed for consequential relief in their favour.
3. The facts germane for disposal of these petitions are that the father of Dhanlal Kurre and grandfather of petitioner - Naveen Kumar Kurre namely Ishwar Das was Kotwar of Village Bhainsamuda. Owing to his advanced age and ill health, he was unable to perform his duties and as such, moved an application tendering his resignation for consideration by the authority. As Naveen Kumar Kurre (grandson) had gained some experience in discharging duties of a Kotwar by working alongside his grandfather, he filed an application for appointment to the post of Kotwar under Section 230 of the CG Land Revenue Code, 1959 (in short "the Code") before the Tehsildar, Navagarh. The Tehsildar invited objections and a Character Certificate in respect of Naveen Kumar Kurre was also obtained from the Police Station Nawagarh. Subsequently, petitioner -Dhanlal Kurre, son of ex.-Kotwar Ishwar Das, also moved an application for appointment as



Kotwar, asserting his claim as the son of ex.-Kotwar. The application was moved by both the parties i.e. the son and grandson of late Ishwar Das were considered and the Tehsildar passed an order dated 10.8.2021 in favour of Dhanlal Kurre, son of ex.-Kotwar for appointment to the post of Kotwar. Ultimately, petitioner -Dhanlal Kurre was appointed as the Permanent Kotwar in accordance with Section 230 of the Code. He was further granted the service land previously held by ex.-Kotwar - Ishwar Das along with other prescribed remuneration. Aggrieved by the aforesaid order 10.8.2021, petitioner- Naveen Kumar Kurre, grandson of the ex-Kotwar, preferred an appeal before the concerned SDO stating that the appointment of petitioner- Dhanlal Kurre was not in accordance with law. Petitioner -Naveen Kumar Kurre contended that he possessed relevant experience, having assisted his grandfather (Ishwar Das) in discharging the duties of Kotwar. Upon consideration of the record, the concerned SDO observed that the Gram Panchayat had passed a resolution in favour of Naveen Kumar Kurre. Furthermore, the concerned SHO had issued a Character Certificate confirming that he had no criminal antecedents. Conversely, no such verification or character certificate was available on record in respect of petitioner – Dhanlal Kurre. Furthermore, Naveen Kumar Kurre has studied up to Class VIII whereas Dhanlal Kurre has passed only V standard. Upon finding that the Tehsildar has committed an error of law in the appointment process, the SDO allowed the appeal vide order dated 8.11.2021. Consequently, the concerned SDO set-aside the order dated 10.8.2021 passed by the Tehsildar and held that Naveen Kumar Kurre was the more suitable candidate for the post of Kotwar. Aggrieved by the said order of the SDO, petitioner Dhanlal Kurre (son of ex-Kotwar) preferred an appeal under Section 44(2) of



the Code before the Commissioner, Durg Division, Durg, stating that the order dated 8.11.2021 passed by the concerned SDO is not in accordance with law. He contended that as the son of Ex- Kotwar, he (Dhanlal Kurre) is the primary heir and that preference should have been given to him over grandson- Naveen Kumar Kurre, who should not have been considered for appointment. It was further stated that although a character certificate had not been requisitioned for him, his maturity and experience at 45 years of age far outweighed that of 24 year old grandson i.e. Naveen Kumar Kurre. Petitioner - Dhanlal Kurre (son) maintained that the Tehsilder had correctly exercised its discretion by appointing him, who possessed the requisite experience, over the grandson. The concerned Commissioner, after considering the entire aspects of the matter, observed that in the appointment of a Kotwar, primary preference must be accorded to the son of ex-Kotwar. Consequently, the Commissioner held that the Naib Tehsildar, Navagarh has correctly passed the order dated 10.8.2021 in favour of Dhanlal Kurre, son of Ex-Kotwar, finding no illegality or infirmity warranting interference. The Commissioner further observed that the order dated 8.11.2021 passed by the concerned Sub Division Officer (R) is not a speaking order and was, therefore, not legally sustainable. Accordingly, while setting aside the order of the concerned SDO( R ), the Commissioner, vide order dated 15.3.2022, restored and confirmed the order dated 10.8.2021 passed by the concerned Tehsildar in favour of Dhanlal Kurre, son of ex-Kotwar. Against the said order dated 15.3.2022 passed by the Commissioner, Durg Division, petitioner- Naveen Kumar Kurre preferred a Revenue Revision. Upon considering the Revision Petition filed by petitioner Naveen Kumar Kurre, the Board of Revenue concluded that for the



appointment of a Kotwar, the proposal issued by the Gram Panchayat must be duly examined before an eligible candidate is appointed as Kotwar. Pursuant to Rule 4(2) (1) of the Kotwari Rules, preference shall be given to the near legal heirs; however, such preference is only applicable when all other qualifications are equal. In the present matter, son and grand son of ex-Kotwar are aspirants. Consequently, the Commissioner should have directed the concerned Tehsildar to complete the entire appointment process and pass a fresh order strictly in accordance with law. It was further observed that while a proposal was sought for one candidate; no such proposal was obtained for the other due to Covid-19 pandemic. Since the applications of both the parties must be considered on their respective merits, the Tehsildar was directed to reconsider the rival claims in accordance with law. Upon completion of the entire process as per the prescribed procedure and after providing both the parties an opportunity to be heard, the Tehsildar was further directed to pass a fresh order regarding the appointment of Kotwar.

4. Learned counsel for the petitioners submit that both the parties hold respective orders in their favour. Learned counsel for petitioner-Dhanlal Kurre submits that the Tehsildar, Navagarh as well as the Commissioner have passed orders in his favour, holding that the appointment process is in accordance with law and the son of ex-Kotwar must be granted preference over the grandson. Furthermore, in light of his age, experience and other supporting materials, it was held that Dhanlal Kurre is the most suitable candidate for the subject post. Accordingly, the Naib Tehsildar rightly appointed Dhanlal Kurre as Kotwar, whereas, the order passed by the SDO (R) in favour of Naveen Kumar Kurre (grandson) is not in accordance with law. He



further submits that instead of passing an order in favour of party, the Board of Revenue sought to balance the respective claims by remanding the matter to the concerned Tehsildar. Further, the Board directed a re-examination of the case and issuance of a fresh, appropriate order after evaluating the merits and the specific favourable factors available to each aspirant.

5. Similarly, learned counsel for petitioner -Naveen Kumar Kurre, who has filed WPS No.8704/2023, submits that the SDO has passed a well-reasoned order in favour of the petitioner. He submits that the order dated 8.11.2021 passed by the concerned SDO, which set-aside the order dated 10.8.2021 passed by the Tehsildar in respect of appointment of Dhanlal Kurre, should have been upheld. However, the Commissioner has not considered all these grounds and instead confirmed the order passed by the Tehsildar. He further submits that the Board of Revenue, rather than passing an order on merits in favour of either party, remanded the matter to the concerned Tehsildar. He lastly submits that the concerned authority ignored the relevant documents and the proposal submitted in favour of grandson (Naveen Kumar Kurre) and illegally appointed petitioner Dhanlal Kurre, solely on the basis of preference.
6. I have heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.
7. For the sake of brevity, Section 230 of the Code is reproduced below :

**230. Appointment of kotwars and their duties.-**

(1) For each village or group of villages, there shall be appointed, in accordance with rules made under Section 258, one or more kotwars for the performance of such duties as may be prescribed :

Provided that in the Madhya Bharat region the duties of kotwars under this section shall be performed by the



Police Chowkidars who shall, on the coming into force of this Code, be deemed to be kotwars under this section, and be subject in all respects to the control of Revenue Officers.

(2) Every person who at the coming into force of this Code holds the post of a village watchman in the Bhopal and Sironj regions or of a chowkidar in the Vindhya Pradesh region shall be deemed to be a kotwar under this section.

8. From a bare perusal of the record, it is quite vivid that both the parties are near relatives; petitioner- Dhanlal Kurre is the son of Ex-Kotwar, while petitioner -Naveen Kumare Kurre is the grandson. For the appointment of Kotwar, the preference is general accorded to the son of ex-Kotwar. In the present case, Dhanlal Kurre, son of ex-Kotwar is a middle aged man about 45 years, whereas the grandson is aged about 24 years. Regarding educational qualifications, Dhanlal Kurre (son) has passed V standard, whereas, Naveen Kumar Kurre (grandson) has passed VIII standard. Upon reviewing the applications, the concerned Naib Tehsildar evaluated the merits of the case and after considering the entire aspect of the matter, issued an order in favour of Dhanlal Kurre. In making the appointment, the Tehsildar held that the son possessed a preferential right as the direct descendant of ex-Kotwar and consequently, rejected the grandson's application after due consideration.
9. So far as the relation of the parties is concerned, in the absence of a son, the preferential right would naturally shift to the grandson. When the son is available, the grandson can only be given preference if the son is found ineligible for the appointment of Kotwar. There is nothing on record to show any disqualifying factor against Dhanlal Kurre (son), which would debar him from being appointed as Kotwar.
10. The role of a Kotwar is more of a community service than a strictly



official duty. In a village setting, the Kotwar is responsible for identifying residents and maintaining records for each household, which is a task often better suited to the old generation due to their deep rooted knowledge of the community, as compared to younger individual such as a grandson. Furthermore, sons hold a preferential right to the post previously held by their father. As there are no adverse remarks on record against Dhanlal Kurre, son of ex-Kotwar, the Tehsildar and the Commissioner correctly evaluated the merits of the case in great detail. Consequently, the Commissioner has rightly upheld the order passed by the Tehsildar.

11. For the foregoing, I am the view that the present case squarely falls within the supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Unless grave misconduct is evident in the appointment of a Kotwar, the order cannot be challenged on cursory or superficial grounds asserting that a grandson should be appointed over a son. When competing rights are concerned, experience is a primary consideration. In the opinion of this Court, the son in the present case possesses greater experience than the grandson. Therefore, the Tehsildar rightly exercised his power under Section 230 of the Code and passed the order dated 10.8.2021, which was further confirmed by the detailed order dated 15.3.2022 passed by the Commissioner.
12. Moreover, the Board of Revenue ought to have decided the case on merits in favour of either party. Instead, the Board of Revenue remanded the matter to the concerned Tehsildar, effectively opening the door for further unnecessary litigation, which this Court deems unwarranted.
13. Consequently, while dismissing the petition filed by Naveen Kumar



Kurre i.e. WPS No.8704/2023, the petition filed by Dhanlal Kurre, ...  
WPS No.5914/2023 is hereby allowed. The order dated 10.8.2021  
passed by the Naib Tehsildar, Navagarah in favour Dhanlal Kurre,  
which was subsequently confirmed by the Commissioner, Durg  
Division, Durg, vide order dated 15.3.2022, is hereby restored.

14. In view of the above, the impugned order dated 26.7.2023 passed by  
the Chhattisgarh Board of Revenue, Circuit Court, Raipur and the  
order dated 08.11.2021 passed by the SDO (R), Navagarh, District  
Bemetara (CG) are hereby quashed.
15. Resultantly, WPS No.5914/2023 is **allowed** and WPS No.8704/2023 is  
**dismissed**.

Sd/-

**(Amitendra Kishore Prasad)**  
Judge

Shyna Ajay