
(2020) 03 CHH CK 0103
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 882 Of 2020

Lavi Khandelwal

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 12-03-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 03 CHH CK 0103

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Hemant Kumar Agrawal, V.R. Tiwari

Final Decision : Dismissed

Judgement

@JUDGMENT-JUDGMENT

P. Sam Koshy, J

1. Challenge in the present writ petition is to the order dated 22.8.2019 passed by Tahsildar (Nazul), Dhamtari.

2. Perusal of record would show that the Tahsildar has passed an order of mutation based upon the judgment and decree passed by the competent Court of law in favour of the private respondents in the present writ petition.

3. Both, the judgment and decree passed by the Civil Court as well as the impugned order of mutation dated 22.8.2019, are orders which are appealable under the provisions of law. Since there is a remedy of appeal provided under the statutes for questioning the aforesaid judgment/order, this Court is of the opinion that the present writ petition, on the ground of there being a statutory alternative remedy available, is not maintainable. Moreover, the issues involved in the present writ petition are all disputed questions of fact which again cannot be tested exercising the writ jurisdiction of this Court under Article 226 of the Constitution of India.

4. Accordingly, the writ petition is dismissed. However, the rejection of the present writ petition would not preclude the petitioner from availing other remedies open to him under the law, if the same is permissible.