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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 544 of 2026

1 - Aashiya Begam W/o Late Enayam Husain Aged About 64 Years R/o Near Post Office Belpahad District Jharsugada Odisha

2 - Ahmad Raj Husain S/o Late Enayam Husain Aged About 42 Years R/o Near Post Office Belpahad District Jharsugada Odisha

3 - Aktar Raza Husain S/o Late Enayam Husain Aged About 40 Years R/o Near Post Office Belpahad District Jharsugada Odisha

... Appellant(s)

versus

1 - Sandeep Benarjee S/o Late Shivkumar Benarjee Aged About 45 Years R/o Village Jagatpur Near Karmel School Tehsil And District Raigarh C.G.

2 - The Revenue Board Bilaspur District Bilaspur C.G.

3 - The Additional Commissioner Bilaspur Division Bilaspur District Bilaspur C.G.

4 - Sub Divisional Office Revenue Raigarh District Raigarh C.G.

... Respondent(s)

For Appellant(s) : Mr. Ahmad Raj Husain, Appellant No.2 in person

For Respondent(s) : Mr. Prasun Bhaduri, Dy. A.G. and Mr. Faisal Akhtar, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board**Per Ramesh Sinha, Chief Justice****03.07.2026**

1. Heard Mr. Ahmad Raj Hussain, appellant No.2 in person. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General and Mr. Faisal Akhtar, learned counsel for respondent No.1.
2. The present intra Court appeal has been filed against the order dated 12.05.2026 passed by the learned Single Judge in W.P.(C) No. 2861/2022, whereby the writ petition filed by the writ petitioners / appellants herein was dismissed by the learned Single Judge on the ground of delay and laches.
3. Briefs facts of the case are that the land bearing Khasra No. 249/1, area 0.35 acre, situated at Village Laxmipur, Jagatpur, Tahsil and District Raigarh (C.G.), was originally recorded in the name of Rahat Hussain S/o Afzal Hussain, who was the grandfather of appellants Nos. 2 and 3, in the revenue records. According to the appellants, the said disputed land was never sold or transferred by the grandfather of the appellants in favour of any person. It is the case of the appellants that the ancestor of respondent No. 1, namely S.C. Banerjee, through his predecessor Chapla Bala Banerjee, got the disputed land mutated in his favour on the basis of an alleged fake and fabricated sale deed dated 07.07.1944 purportedly executed by one Arjun Singh, though the said Arjun Singh never had any right, title or interest over the

aforesaid land. On the basis of the said sale deed, the Assistant Superintendent of Land Records, Raigarh passed an order dated 16.05.1972 directing mutation in Entry Register No. 115. Being aggrieved by the aforesaid order dated 16.05.1972, the predecessor-in-interest of the appellants preferred an appeal before the Sub-Divisional Officer, Raigarh along with an application under Section 5 of the Limitation Act for condonation of delay. However, the said appeal came to be dismissed on 31.10.1986 on the ground of limitation. Thereafter, the appellants preferred a further appeal before the learned Additional Commissioner, Bilaspur Division, Bilaspur along with application under Section 5 of the Limitation Act, but the learned Appellate Authority also dismissed the appeal vide order dated 12.01.2022 on the ground of limitation. Against the said order, the appellants preferred a revision petition before the Board of Revenue, Bilaspur (C.G.), however, the learned Board of Revenue also dismissed the revision vide order dated 05.05.2022 on the ground of limitation. According to the appellants, the impugned orders passed by the revenue authorities are illegal, arbitrary, contrary to the provisions of the Chhattisgarh Land Revenue Code and opposed to the settled principles governing mutation proceedings and limitation, and therefore the appellants preferred WPC No. 2861/2022, which was dismissed by the learned Single Judge vide order dated 12.05.2026. Being aggrieved by the said judgment, the appellants have preferred this present appeal.

4. The appellant, appearing in person, submits that the learned Single Judge has committed a manifest error in dismissing the writ petition on the ground of delay and laches without appreciating that the present case is squarely governed by Section 17 of the Limitation Act, 1963, as the limitation could commence only from the date of discovery of the alleged fraud and the concealed sale deed, which was produced by the respondents for the first time during the proceedings before the High Court. It is contended that the respondents deliberately suppressed the alleged sale deed and other material records from the appellant as well as from the courts below, thereby preventing the appellant from discovering the true facts at an earlier stage. The appellant further submits that the learned Single Judge incorrectly treated the delay as being of about forty years, whereas the challenge substantially relates to an ex parte order of 1992, and in any event the delay stood fully explained in view of the continuing fraud and suppression. Reliance is placed upon the judgments of the Hon'ble Supreme Court in ***Sukhdatt Ratra & Others v. State of Himachal Pradesh & Others (Civil Appeal arising out of SLP (C) Diary No. 13202 of 2020)***, ***Vidya Devi and Tukaram v. MIDC***, wherein it has been held that the doctrine of delay and laches is not an inflexible or technical rule and that where the delay has been occasioned due to circumstances beyond the control of the litigant, particularly in cases involving fraud, suppression or violation of constitutional and legal rights,

relief ought not to be denied. It is further submitted that the respondents cannot be permitted to derive any advantage from their own fraud, concealment and suppression of material documents, including the alleged sale deed and mutation proceedings. The appellant also contends that despite the interim order dated 10.05.2024 passed by this Court in WPC No. 2861 of 2022 and the pendency of the writ petition for final hearing, the respondents acted in violation of the orders of the Court, resulting in initiation of contempt proceedings. It is further urged that the alleged sale deed of 1944 and the mutation proceedings of 1972 were never disclosed or communicated to the appellant and were effected in violation of the principles of natural justice. Consequently, the appellant prays that the judgment and order dated 12.05.2026 passed by the learned Single Judge be set aside and the matter be considered on merits in accordance with law.

5. Learned counsel for the respondents opposes the submissions made by learned counsel for the appellants in the present appeal and submits that the learned Single Judge after considering all the aspects has rightly dismissed the writ petition filed by the writ petitioners / appellants herein, in which, no interference is sought for.
6. We have heard appellant in person and learned counsel for the respondents and perused the impugned order and materials

available on record.

7. From a perusal of the impugned order, it is evident that the learned Single Judge dismissed the writ petition primarily on the ground of gross delay and laches, holding that the challenge pertained to mutation proceedings initiated on the basis of an unregistered sale deed dated 07.07.1944, culminating in the order dated 16.05.1972, and that the statutory remedies were invoked only after an inordinate delay of about 48 years. The learned Single Judge further held that the plea of fraud and concealment raised by the writ petitioners and the reliance placed upon Section 17 of the Limitation Act, 1963 were unsupported by any cogent material and, therefore, incapable of extending the period of limitation. The Court also affirmed the concurrent findings of the revenue authorities that the appeal and revision were barred by limitation, observed that mutation proceedings are fiscal in nature and cannot be reopened after several decades so as to unsettle settled revenue records and third-party rights, and, relying upon the decisions of the Hon'ble Supreme Court concerning delay, laches and the discretionary nature of writ jurisdiction under Article 226 of the Constitution of India, concluded that the writ petition lacked merit and was liable to be dismissed.
8. Considering the submissions made by the appellant in person counsel for the respondents and the impugned order passed by the learned Single Judge, we notice that the same has been

rendered with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmity or perversity, as such, we are not inclined to interfere with the impugned order.

9. In the result, the writ appeal lacks merit substance, is liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice