



CGHC010225762021



2026:CGHC:40701
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 455 of 2021

Order reserved on 11/09/2026

Order delivered on 17/09/2026

Mahant Ram Ashish Das S/o Jitendra Tiwari Aged About 39 Years Disciple
Of Late Shri Ram Bhushan Das R/o Jaitu Sav Math Purani Basti Raipur
District Raipur Chhattisgarh

... Petitioner

versus

**1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue,
Mahanadi Bhawan, Capital Complex, Mantralaya, Atal Nagar, Nawa Raipur
District Raipur Chhattisgarh**

**2 - Shri Thakur Ram Chandra Swami Jaitusav Math Public Trust A
Registered Public Trust Bearing Registration No. 39/55, Purani Basti Raipur
Through Collector Raipur District Raipur Chhattisgarh**

**3 - Collector/president Shri Thakur Ramchandra Ji Swami Jatusav Math
Public Trust Having Registration No. 39/55, Purani Basti, Raipur District
Raipur Chhattisgarh**

**4 - Mahendra Kumar Agrawal S/o Radheshyam Agrawal R/o Kushalpur,
Near Sunder Nagar Raipur District Raipur Chhattisgarh**

**5 - Registrar Public Trust (Sub-Divisional Officer Raipur) Shri Thakur Ram
Chandra Swami Jaitusav Math Public Trust A Registered Public Trust
Bearing Registration No. 39/55, Purani Basti Raipur District Raipur
Chhattisgarh**

6 - Tehsildar /supervisor Raipur Shri Thakur Ram Chandra Swami Jaitusav
Math Public Trust A Registered Public Trust Bearing Registration No. 39/55,
Purani Basti Raipur District Raipur Chhattisgarh

Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Vivek Mishra, Advocate
For Respondents No.1, 3, 5 & 8/State	:	Mr. Rohan Shukla, Panel Lawyer
For Respondents No.2 & 4/State	:	Dr. N.K. Shukla, Senior Advocate along with Mr. Dinesh Kumar Bole, Advocate

Hon'ble Shri Ravindra Kumar Agrawal, Judge

C.A.V. Order

- The petitioner has preferred the present petition under Article 227 of the Constitution of India, assailing the order dated 28.04.2016 passed by the Board of Revenue, Bilaspur, Chhattisgarh, Circuit Court at Raipur, in Revenue Case No. RN/14/R/A-6/306/2015 (Mahendra Kumar v. Mahant Kumar and others), whereby the revision preferred by respondent No.4–Mahendra Kumar Agrawal has been allowed, and the order passed by the Sub-Divisional Officer has been affirmed, with a further direction to record the name of the Collector as Manager of the public trust in the revenue records. The petitioner prayed for the following reliefs in the writ petition:-

“1] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders, quashing the impugned order dated 28/04/2016 passed by Board Of Revenue, Bilaspur, Chhattisgarh and further the order dated 21/03/2012 passed by the Sub-Divisional Officer,

Abhanpur/ Arrang may kindly be quashed and set-aside in the interest of justice.

2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders and the respondents authorities may kindly be directed to record to name of petitioner in properties situated at village Bharenga and Bhatgaon belonging to the public trust.

3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. The case of the petitioner, in substance, is that he claims to be the disciple of late Mahant Ram Bhusan Das and asserts his interest in the properties of Shri Thakur Ramchandra Ji Swami Jaitu Sav Math, a registered public trust bearing Registration No. 39/55, Purani Basti, Raipur, through a Will allegedly executed in his favour by late Mahant Ram Bhusan Das, who died on 16.11.2007. Late Mahant Ram Bhusan Das was the Sarwrahar of the said public trust and his name was recorded in the revenue records in respect of the trust properties. The petitioner relies upon the Will, adoption deed and the document relating to appointment as Sarwrahar to substantiate his claim.
3. It is further pleaded that respondent No. 4, Mahendra Kumar Agrawal, who is stated to be the Secretary of the said public trust, initially sought deletion of the name of late Mahant Ram Bhusan Das from the revenue records and recording of the name of the Collector as Manager/President in respect of the agricultural lands and other

properties of the trust situated at villages Bharenga and Bhatgaon. The Tehsildar, Abhanpur, by order dated 13.10.2010, rejected the said application, inter alia, holding that disputes relating to the management and functioning of the public trust were already pending before the Registrar as well as before the District Court and this Court, and that the issue was not amenable to adjudication by the revenue authority. The said order attained finality as it was not challenged in appeal. It is also pleaded that the dispute concerning management of the trust and appointment of a temporary receiver had earlier been considered in proceedings before the District Court and this Court, and that by order dated 15.10.2018 passed in MJC (Civil) No.1342/2008, the matter relating to mismanagement of the trust was remanded to the Registrar for fresh consideration in accordance with the Chhattisgarh Public Trusts Act after affording opportunity of hearing to the trustees.

4. Notwithstanding the aforesaid pending disputes and the earlier order of the Tehsildar, respondent No. 4 again approached the Sub-Divisional Officer (Revenue), Abhanpur/Arang, District Raipur on 21.03.2012 seeking deletion of the name of late Mahant Ram Bhusan Das and recording of the name of the Collector in the revenue records. On the same day, the Sub-Divisional Officer directed the Tehsildar to carry out the said mutation, allegedly without issuing notice or affording any opportunity of hearing to the petitioner or other interested persons. The petitioner challenged the said order before the Collector, but the appeal was dismissed on 19.02.2013. Thereafter, the Commissioner, Raipur Division, allowed the

petitioner's second appeal on 05.12.2014 and quashed the order of the Collector, holding that the matter had not been properly considered on merits. However, in revision preferred by respondent No. 4, the Board of Revenue, by the impugned order dated 28.04.2016, reversed the Commissioner's order and upheld the orders of the Sub-Divisional Officer and Collector, holding that the order of the Sub-Divisional Officer was one passed under Sections 109/110 of the Chhattisgarh Land Revenue Code, 1959, and that he had jurisdiction to direct the mutation.

5. The main grievance of the petitioner is that the Board of Revenue failed to appreciate the nature of the dispute, which, essentially concerns the management and administration of a registered public trust and the right to represent/manage its properties, rather than a simple mutation dispute. It is pleaded that when disputes regarding the management of the trust, appointment of receiver and the rights of the trustees were already pending before the competent authorities/courts, the revenue authorities could not have, without notice to the affected parties, altered the revenue records by substituting the name of the Collector for that of late Mahant Ram Bhusan Das. The petitioner consequently alleges that the order of the Sub-Divisional Officer, as affirmed by the Collector and the Board of Revenue, suffers from want of jurisdiction, violation of principles of natural justice, erroneous exercise of powers under Sections 109/110 of the Chhattisgarh Land Revenue Code, 1959, and failure to consider the pending proceedings under the Chhattisgarh Public Trusts Act, and therefore seeks quashing of the impugned orders.

6. Learned counsel for the petitioner would submit that respondent No. 4 had earlier instituted Revenue Case No. 93-A/6/2009-10 before the Tehsildar, Abhanpur, seeking deletion of the name of late Mahant Ram Bhusan Das, who had died on 16.11.2007, and recording of the name of the Collector over the properties of the public trust situated at villages Bharenga and Bhatgaon. In the said proceedings, the petitioner and Mahant Haridas Tyagi had also submitted their respective applications/objections, whereupon the Tehsildar, by order dated 13.10.2010, held that the proceedings were not maintainable before him in view of the pending proceedings concerning appointment of receiver and management of the same public trust before the District Court. The said order was never challenged and, therefore, attained finality. It is submitted that respondent No.4, while subsequently approaching the Sub-Divisional Officer on 21.03.2012 for substantially the same relief, deliberately suppressed the earlier proceedings and the order dated 13.10.2010.
7. He would further submit that the Sub-Divisional Officer, on the very date on which the application was submitted, directed recording of the name of the Collector over the trust properties, without issuing notice to the petitioner or any other person having an interest in the trust properties. The Sub-Divisional Officer had no jurisdiction to suo motu reopen or reconsider the order passed by the Tehsildar, particularly when the said order had attained finality, and no appeal or revision against it was pending. The power of suo motu revision, according to learned counsel, is specifically conferred upon the competent revisional authority and could not have been assumed by

the Sub-Divisional Officer in the manner adopted in the present case. It is further submitted that the impugned mutation was not a mere ministerial alteration of the revenue record, but was founded upon a disputed question concerning the management and representation of the public trust and its properties. Such a dispute could not have been determined in mutation proceedings, particularly without affording an opportunity of hearing to the petitioner and other interested parties. The dispute regarding the management of the public trust, appointment of receiver and appointment of Sarwrakar/manager was already pending before the competent forum pursuant to the reference order dated 14.06.2007, and the proceedings before the District Court as well as the earlier proceedings before this Court were within the knowledge of respondent No. 4. Therefore, the revenue authorities ought not to have intervened in the matter by altering the revenue records in respect of the trust properties while the substantive dispute concerning their management remained pending. It is argued that the Board of Revenue failed to consider these material aspects, including the finality attached to the Tehsildar's order dated 13.10.2010, the absence of notice, the impermissible exercise of suo motu power by the Sub-Divisional Officer and the pendency of proceedings concerning the public trust, and consequently erred in affirming the orders passed by the revenue authorities. On these grounds, learned counsel submits that the impugned order of the Board of Revenue, as well as the orders passed by the Sub-Divisional Officer and the Collector, deserve to be set aside.

8. Learned Senior Advocate appearing for the respondent No. 2 would submit that the present petition, filed in the year 2021, seeks to challenge the order dated 28.04.2016 passed by the Board of Revenue and the consequential order dated 21.03.2012 passed by the Sub-Divisional Officer, and is therefore liable to be dismissed on the ground of inordinate delay and laches. It is further submitted that the petitioner has not approached this Court with clean hands and has suppressed material facts relating to the earlier proceedings concerning the management of the public trust. The petitioner had earlier instituted proceedings before this Court concerning the very same dispute, including W.P.(C) No. 3080/2021, which was subsequently withdrawn without liberty to institute a fresh petition. It is contended that the earlier orders passed by this Court also demonstrate that the management of the trust had, for the relevant period, been placed under the supervision of the competent revenue authority, and therefore the petitioner cannot now say that the subsequent revenue proceedings were wholly without jurisdiction.
9. He would further submit that the proceedings before the revenue authorities were concerned only with correction of the revenue records in respect of properties admittedly belonging to the registered public trust and, upon the death of late Mahant Ram Bhushan Das, there was no justification for continuing his individual name in the revenue records. Respondent No. 4 had accordingly sought recording of the name of the Collector as President/Manager of the public trust. The order dated 21.03.2012 passed by the Sub-Divisional Officer merely directed consequential correction in the land

records and did not adjudicate upon the ultimate title or management rights of the parties. It is submitted that the Commissioner, while allowing the appeal, did not adjudicate the substantive rights of the parties but only examined the jurisdiction of the Additional Collector, and no order of remand or any executable direction was issued by him. The Board of Revenue, therefore, rightly considered the order of the Sub-Divisional Officer and restored the same. It is also submitted that the petitioner cannot convert a revenue mutation proceeding into a substantive adjudication concerning the management of the public trust.

10. It is lastly submitted that the petitioner's own claim to the office of Sarwarkar and his reliance upon the alleged Will and adoption deed are seriously disputed and cannot be accepted in proceedings under Article 227 of the Constitution. The respondents have specifically alleged that the said documents are fabricated and point out that criminal proceedings under Sections 420, 467, 468 and 471 read with Section 34 of the IPC were instituted in relation thereto. The dispute concerning the validity of the Will and adoption deed was also raised in Civil Suit No.14-A/2012, in which the present petitioner was a defendant, and the civil court, by order dated 17.05.2018, recorded a finding that the alleged Will and adoption deed in his favour had not been proved. The petitioner has no established legal right to seek continuation of the name of late Mahant Ram Bhushan Das or his own name in the revenue records on the strength of disputed documents, and that the impugned order passed by the Board of Revenue does not suffer from any jurisdictional error or perversity

warranting interference under Article 227 of the Constitution. In support of his submission, he would rely upon the judgment of “**State of Madhya Pradesh and Others v. Pujari Utthan Avam Kalyan Samiti and Another**” 2021 (10) SCC 222.

11. Learned State counsel appearing for the respondent Nos. 1, 3, 5 and 6/State would submit that the revenue authorities have merely directed correction of the revenue records by recording the name of the Collector as Manager of the registered public trust after the death of late Mahant Ram Bhushan Das. It is submitted that the proceedings under Sections 109/110 of the Chhattisgarh Land Revenue Code, 1959 were within the jurisdiction of the Sub-Divisional Officer and that the revenue entries do not confer or extinguish any title or finally determine the rights relating to management of the trust. It is further submitted that the petitioner has an alternative remedy in accordance with the provisions of the Chhattisgarh Public Trusts Act in respect of any dispute concerning the management of the trust and, therefore, no jurisdictional error or perversity having been demonstrated in the order passed by the Board of Revenue, the present petition deserves to be dismissed.
12. I have heard learned counsel for the parties and perused the documents annexed with the petition and gone through their pleadings.
13. Having heard learned counsel for the parties and having perused the material available on record, the main question which arises for consideration is whether the order directing recording of the name of the Collector as Sarwrahar/Manager of the public trust calls for

interference in exercise of the supervisory jurisdiction under Article 227 of the Constitution. Undisputedly, late Mahant Ram Bhusan Das, whose name was recorded in the revenue records in the capacity of Sarwrakar, died on 16.11.2007. The proceedings initiated by respondent No. 4 were essentially for consequential correction of the revenue records upon cessation of the authority of the deceased Sarwrakar. The direction ultimately issued was not for conferring any private title upon the Collector, but for recording the name of the Collector in the capacity of Sarwrakar/Manager of the public trust. Therefore, the revenue entry in question did not adjudicate or create any proprietary right in favour of the Collector or against the petitioner.

14. It is true that the order dated 21.03.2012 was passed without affording an opportunity of hearing to the petitioner. Ordinarily, where a revenue entry affecting the interest of a person is sought to be altered, the requirement of notice and reasonable opportunity of hearing ought to be followed. However, the question is whether the petitioner has been able to demonstrate any prejudice on account of such non-affording of opportunity. The petitioner claims his right to succeed late Mahant Ram Bhusan Das as Sarwrakar on the basis of the alleged Will, adoption deed and appointment document. However, the respondents have disputed the validity of those documents and, as noticed hereinabove, the civil proceedings have also not resulted in any finding recognising the petitioner's claim to the office of Sarwrakar. More importantly, the consequence of the impugned order was only that, upon the death of the existing

Sarwrakar, the name of the Collector was recorded as Sarwrakar/Manager of the public trust. Even assuming that the petitioner had been afforded an opportunity of hearing, there is nothing on record to indicate that the competent authority could have directed continuation or recording of the petitioner's name as Sarwrakar in place of the Collector. Thus, the petitioner has failed to establish that any different result would have followed upon affording him an opportunity of hearing. In other words, no actual prejudice has been demonstrated. The mere infraction of the requirement of hearing, in the facts of the present case, therefore, cannot by itself justify interference with the impugned order when the ultimate conclusion would remain unaltered.

15. The contention that the Sub-Divisional Officer could not have proceeded in view of the earlier order dated 13.10.2010 passed by the Tehsildar also does not persuade this Court to interfere. The earlier order was passed in the context of the proceedings then pending concerning the management of the public trust and appointment of receiver. The subsequent proceedings, however, resulted in an order directing the recording of the Collector as Sarwrakar/Manager consequent upon the death of late Mahant Ram Bhusan Das. The Board of Revenue, while exercising its revisional jurisdiction, has considered the nature of the proceedings and held that the Sub-Divisional Officer was competent to deal with the mutation under Sections 109/110 of the Chhattisgarh Land Revenue Code, 1959. Even assuming that there was some procedural irregularity in the manner in which the proceedings were initiated, or

notice was not issued to the petitioner, such irregularity would not justify interference under Article 227 in the absence of demonstrable prejudice or perversity in the ultimate decision. The petitioner's substantive claim to the office of Sarwarkar remains subject to adjudication by the competent forum and the revenue entry cannot be treated as a final adjudication of such right.

16. The reliance placed by the petitioner upon the pendency of proceedings relating to management of the public trust also does not alter the position. The impugned order does not finally determine the rights of the petitioner in the trust or pronounce upon the validity of the Will or adoption deed. The revenue authorities have only directed the name of the Collector to be recorded for the purpose of management/representation of the trust in the revenue records. If the petitioner ultimately succeeds before the competent authority or court in establishing his right to the office of Sarwarkar, the revenue entries would necessarily remain subject to such adjudication. Consequently, the impugned mutation cannot be construed as an adjudication extinguishing any substantive right claimed by the petitioner.
17. There is yet another circumstance which weighs against exercise of the discretionary jurisdiction of this Court. The impugned order of the Board of Revenue was passed on 28.04.2016, whereas the present petition came to be filed only on 28.08.2021, i.e., after a lapse of more than five years. The petitioner was admittedly aware of the proceedings and the order passed by the Board of Revenue. No satisfactory explanation has been furnished for such prolonged delay in challenging the order. The pendency of disputes concerning the

management of the public trust cannot, by itself, explain the petitioner's failure to challenge the specific revenue order within a reasonable period. Article 227 of the Constitution of India confers a discretionary and supervisory jurisdiction, and such jurisdiction is ordinarily not exercised in favour of a litigant who approaches the Court after an unexplained and substantial delay, particularly when the petitioner has failed to demonstrate that the impugned order has caused any irreversible prejudice to his rights.

18. The plea of res judicata or the effect of withdrawal of earlier proceedings need not be examined in detail, as the petition can be disposed of on the grounds noticed hereinabove. The petitioner has not established any jurisdictional error, perversity or failure of justice warranting interference with the order passed by the Board of Revenue. Even if the petitioner had been afforded an opportunity of hearing at the stage of mutation, the material placed before this Court does not disclose any basis on which the ultimate direction to record the name of the Collector as Sarwarkar/Manager of the public trust would have been different. Coupled with the unexplained delay of more than five years in invoking the supervisory jurisdiction of this Court, no case for interference under Article 227 of the Constitution of India is made out.
19. In the case of “**Pujari Utthan Avam Kalyan Samiti**” (supra), the distinction between the deity, which is the owner of the temple property, and the Pujari, who merely performs the functions of worship and management, has been reiterated. The Hon’ble Supreme Court has held that the Pujari does not acquire any

proprietary or Bhumiswami right in the property of the deity and that his status is essentially that of a manager/custodian. The aforesaid principle, in the facts of the present case, assumes significance because the petitioner's claim to be continued or recorded as Sarwrakar cannot, merely on the basis of his asserted status or disputed documents, confer upon him any independent proprietary right over the properties of the public trust. Consequently, the recording of the Collector as Manager/Sarwrakar in the revenue records, being in the nature of an arrangement for administration and protection of the trust properties, does not by itself adjudicate or extinguish any substantive right which the petitioner may establish before the competent forum.

20. Consequently, the present petition, being devoid of merit and also suffering from unexplained delay and laches, is liable to be and hereby **dismissed**.
21. It is, however, clarified that the revenue entries made pursuant to the impugned orders shall not be construed as a final adjudication of the substantive rights of the parties concerning the office of Sarwrakar/Manager or the management of the public trust, and the same shall remain subject to the decision of the competent authority/court in accordance with law.
22. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge