

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 565 of 2015

Lalit Chandranahu S/o Late Bhushan Lal Chandranahu Aged About 61 Years R/o Station Road, Mahasamund, Tahsil And District- Mahasamund (Chhattisgarh).

---- Petitioner

Versus

1. President / Sabhapati, President In Council Nagar Palika Parishad, Mahasamund, Tahsil And District- Mahasamund (Chhattisgarh).
2. Chief Municipal Officer, Nagar Palika Parishad, Mahasamund (Chhattisgarh)
3. Kunjbai Wd/o Late Bhushan Lal Chandranahu Aged About 60 Years R/o Village Banpachri, Tahsil And District- Mahasamund (Chhattisgarh).
4. Chudamani S/o Late Bhushan Lal Chandranahu Aged About 58 Years R/o Village Banpachri, Tahsil And District- Mahasamund (Chhattisgarh).
5. Hemlal S/o Late Bhushan Lal Chandranahu Aged About 56 Years R/o Village Banpachri, Tahsil And District- Mahasamund (Chhattisgarh).
6. Joint Secretary, State Of Chhattisgarh, Urban Administration Development Department, Raipur (Chhattisgarh).
7. Collector, Mahasamund, District- Mahasamund (Chhattisgarh)

---- Respondents

Shri H.B.Agrawal, senior counsel along with Ms. Meera Jaiswal, counsel for the petitioner/s.

Order

18/08/2015

Heard.

This petition is directed against order dated 07/05/15 passed by the State Government rejecting petitioner's revision.

2. Learned senior counsel for the petitioner argued that earlier, the Corporation had rejected application for mutation on 13/06/95 recording that the matter is a disputed one as it is based on a Will Deed. The parties were asked to approach Civil Court. However, in the year 2004, again application was submitted

for mutation by respondents 3, 4 and 5 on the basis of Will, which has been allowed and mutation ordered. Upon revision preferred before the Collector and the State Government, both have refused to exercise revisional jurisdiction recording that no such revision would be maintainable.

3. True it is that earlier, application for mutation was rejected in the year 1995. However, for almost a decade, none of the parties have approached the Civil Court disputing the Will executed in favour of respondents 3, 4 and 5. In this view of the matter, application for mutation was renewed and as there was no decree declaring the Will, null and void, mutation has been rightly ordered. It has been rightly recorded by the authorities that mutation was not a conclusive proof of title of any party. If the petitioner is aggrieved, his remedy lies in seeking appropriate declaratory decree against the Will, which has been made basis to mutate the names of respondents 3, 4 and 5 to the exclusion of the petitioner.

4. With the liberty as aforesaid, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava
Judge