

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 523 of 2015

Smt. Shantadevi Meghani W/o Shri Shrichand Meghani Aged About 53 years Through
Power Of Attorney Holder Shri Shrichand Meghani R/o Gudhiyari Alankar Industries
P.S. Gudhiyari Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector Raipur Chhattisgarh
2. Dharamdas S/o Late Sugnamal Jai Ambe Agro Industries, Nagar, Alankar Industries,
Gudhiyari Raipur Chhattisgarh

---- Respondents

For Petitioner - Shri Mateen Siddiqui, Advocate with Shri Varun Sharma, Advocate
For Respondent/State - Ms. Sunita Jain, Panel Lawyer

Order On Board

15/07/2015

Heard.

1. This petition has been filed by the petitioner aggrieved by order of the Board of Revenue, by which, the orders passed by the Subordinate Court, have been affirmed whereunder, petitioner's application for mutation of his name in record of rights has been rejected.

2. Learned counsel for the petitioner submits that the decision of the arbitrators (Annexure P/7) and the consent with regard to that given by all the share holders by itself constituted sufficient basis for mutation of record.

3. The application for mutation was rejected by Tehsildar and on appeal and revision also, the order has been affirmed. The reason for rejection of petitioner's revision by

the Board of Revenue is that there is no decree or judicial order or registered document, on the basis of which, mutation could be ordered. It has also been recorded that in the application, though number of khasras have been mentioned, the area in respect of which, mutation is sought, has also not been stated and even the map has also not been annexed.

4. The petitioner in the absence of any decree or order of any Court of law or any registered document of transfer of title, the petitioner could apply for mutation only by impleading all the share holders of the property. However, only one of them was impleaded, who objected to the same. In these circumstances, the order passed by the Board of Revenue does not suffer from any jurisdictional illegality. However, it will be open for the petitioner to apply afresh by impleading all the share holders and also getting them examined before the Tehsildar, in support of partition, if any, having taken place amongst the share holders. If such application is filed, the same shall be decided in accordance with law.

5. With the aforesaid observations, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha