

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.486 of 2015**

1. Lalit Kumar Swarnkar, S/o Late Satyanarayan, aged about 52 years, R/o Near Jalaram Mandir, Tikrapara, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh
2. Anil Kumar Swarnkar, S/o Late Satyanarayan, aged about 46 years, R/o Near Jalaram Mandir, Tikrapara, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

---- Appellants**versus**

1. Vishwanath, S/o Keshav alias Keshav Prasad, aged about 54 years, caste Swarnkar (Gold Smith), R/o Village Kotmi Sonar, Tahsil Akaltara, District Janjgir-Champa, Chhattisgarh
2. Chhattisgarh Board of Revenue, through President, Bilaspur, Chhattisgarh
3. Collector (Revenue), District Janjgir-Champa, Chhattisgarh
4. Sub-Divisional Officer (Revenue), District Janjgir-Champa, Chhattisgarh

---- Respondents

For Appellants : Shri H.B. Agrawal, Senior Advocate with
Smt. Preeti Yadav, Advocate

For State/Respondents No.2, 3 and 4 : Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****14/10/2015**

1. Heard Learned Counsel for the Appellants and the State.
2. The present appeal against order dated 1.7.2015 passed in Writ Petition (227) No.7165 of 2009 is barred by delay of 50 days.
3. The Learned Single Judge held that the mutation ordered by the Additional Tahsildar required no interference.
4. We have heard Learned Senior Counsel for the Appellants and find no reason to interfere with the order at this stage.

5. Proceedings before the revenue authorities with regard to mutation are not civil proceedings before a Court of law. Mutation is done only for identification by the State from whom it is to receive revenue. It is trite law that mutation follows title and not vice-versa. A claim for title does not get affected by mutation in the name of another till it is decided by a competent Civil Court. On the own showing of the Appellants, they had filed a civil suit which got dismissed for non-prosecution and they have filed a restoration application and as informed at the Bar notices have been issued in the same.

6. Delay is condoned. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE