

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 203 of 2016

1. Shri Rananjay Singh S/o Ramnaresh Singh, Aged About 49 Years
2. Nikita Singh D/o S. Singh, Aged About 29 Years

Both R/o Nehru Nagar, Bhilai, Tahsil & District Durg (Chhattisgarh), Through Power Of Attorney Holder Satendra Singh S/o Ramnaresh Singh, Aged 56 Years, R/o Nehru Nagar, Bhilai, Tahsil & District Durg (Chhattisgarh).

---- Petitioner

Versus

1. Shri Vasudev Banjare S/o Mehttar Banjare,
2. Smt. Janki Bai W/o Late Mehttar Banjare,
3. Shri Raj Kumar Banjare, S/o Vasudev Banjare, R
4. Shri Virendra Banjare S/o Vasudev Banjare,

All are R/o Village Jaal Bandha, Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh).

5. Villagers Of Jaalbandha, Tahsil Khairagarh District Rajnandgaon (Chhattisgarh).

---- Respondent

For Petitioners

Mr. Anup Majumdar, Advocate

S.B.: Hon'bel Mr. Justice Prashant Kumar Mishra

Order On Board

25/1/2016

Heard.

(2) The petitioners are aggrieved by the order passed by the Collector, Rajnandgaon on 30.07.2015, which in turn, was preferred against the order passed by the Tehsildar, Khairagarh on 01.03.2014, staying the mutation proceedings initiated by the petitioners.

(3) The controversy between the parties is in respect of some land purchased by the petitioners from the respondents, which according to the villagers is Government land and not private land. The villagers had earlier filed WP(PIL) No.10/2013, which was disposed of by this Court with observation that they may initiate appropriate proceeding under Section 248 of the Chhattisgarh Land Revenue Code or file a suit under Section 91 or file a representative suit under Order 1 Rule 8 of the Code of Civil Procedure. Pursuant to the said observation, the villagers have already preferred a suit, which is pending consideration before the civil Court at Khairagarh.

(4) The petitioners' application for mutation of their names in the revenue records is pending before the Tehsildar. In such proceedings, the Tehsildar has stayed the further proceedings on the ground that the matter is pending in the civil suit and it is this order which was assailed before the Collector.

(5) Having heard learned counsel for the petitioners, in the considered opinion of this Court, once the villagers allege the land to be government land and a civil suit in this respect is pending, the Tehsildar has rightly stayed the proceedings for mutation because completion of the mutation proceedings would unfold complications and encourage multiplicity of litigations.

(6) For the foregoing, the writ petition is dismissed. However, the Civil Court is directed to expedite the hearing of the suit.

Sd/-

Judge

(Prashant Kumar Mishra)