

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 772 of 2016

1. Akil Sai S/o Shri Jugut Ram, Aged About 50 Years R/o Lakhajhar (Kotaba), Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)
2. Prem Sai S/o Late Shri Tulu & Tularam, Aged About 25 Years R/o Lakhajhar (Kotaba), Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)
3. Rajkumar S/o Late Shri Tulu & Tularam, Aged About 24 Years R/o Lakhajhar (Kotaba), Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)

---- Petitioners

Versus

1. Mu. Siyani (Dead) Through Lrs Lilamber S/o Late Shri Harak Sai, Aged About 65 Years R/o Lakhajhar, Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)
2. Pitamber S/o Late Shri Harak Sai, Aged About 50 Years R/o Lakhajhar, Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)
3. Bhanu Prasad S/o Late Shri Harak Sai, Aged About 45 Years R/o Lakhajhar, Tahsil Patthalgaon, Distt. Jashpur (Chhattisgarh)

---- Respondents

Shri Rishi Rahul Soni, counsel for the petitioner/s.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/03/2016

This petition, under Article 226/227 of the Constitution of India, is preferred against order dated 28/08/2015 passed by the Board of Revenue.

2. Learned counsel for the petitioners submits that correction entries made way back in the year 1974, attained finality in the absence of any challenge. Later on, respondent / Siyani appeared before the revenue authorities to submit that she is not dead and she is alive and her name has been wrongly struck off describing her as the mother of Ramnath whereas Ramnath is her father. He submits that whatever may be the grounds, the revenue entries made could not be corrected after such a long time. It is further submitted that the petitioner is

the purchaser of land in dispute from Ramnath and as Ramnath had title over the property in dispute, the petitioner is the valid title holder of the property.

3. The name of respondent / Siyani was struck off from the revenue records recording that she is dead whereas Siyani, later on having come to know about this fraudulent act, appeared before the revenue authorities. The petitioner has not come out with any material that Siyani actually died. However, it has been found that name of Siyani was struck off without there being any material on record to show that any death certificate was submitted before the authorities. The Board of Revenue recorded that the records do not contain any material to show that any enquiry was made, notice was published and opportunity was afforded nor does it contain signature of Ramnath and enquiry should have been made with regard to the legal representatives. In this way, Rule 27 of the Mutation Rules were flagrantly violated. On this consideration, a finding of fraudulent entry has been recorded.

4. The finding recorded by the Board of Revenue does not suffer from any jurisdictional illegality much less perversity. Once it has been found that the entries made in the year 1974 were fraudulent because Siyani was very much alive and she was not the mother but daughter of Ramnath, no exception can be taken against the order passed by the revenue authorities.

If the petitioners' claim is that after entries made in the revenue records, Ramnath continued to have valid title over the property and therefore, by virtue of registered sale deed, the petitioners are valid title holders, their remedy lies in seeking appropriate relief by approaching the Civil Court.

Sd/-

(Manindra Mohan Shrivastava)

Judge