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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2507 of 2016

1. Tribhuvan Singh S/o Kanhai Singh, Aged About 39 Years R/o Village Bango (Khalpara), Tehsil- Pondiuprora, Distt. Korba, (Chhattisgarh)
2. Bhuvan Singh, S/o Kanhai Singh, Aged About 37 Years R/o Viillage Bango (Khalpara) Tehsil Pondiuprora, Distt. Korba, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Secretary, Department Of Finance Planning, Economics & Statistics, Directorate Of Economics & Statistics, Indrawati Bhawan, Ground Floor, Block 2, New Raipur, (Chhattisgarh)
3. The Collector, Distt. Korba, (Chhattisgarh)
4. Sub Registrar (Birth & Death), Jila Panchayat, Pondiuprora, Distt. Korba, (Chhattisgarh)
5. Tehsildar, Tehsil Pondiuproda, Distt. Korba, (Chhattisgarh)
6. Jagmohan, S/o Kate Nanhe Ram, Aged 52 Years R/o Village Bango (Khalpara), Tehsil Pondiuproda, Distt Korba, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Govind Ram Miri and Mr. Basant Kaiwartya, Advocates
For Respondent/State	Mr. B.Gopakumar, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

5/10/2016

1. Heard.
2. In the course of hearing, learned counsel for the State would raise objection to the maintainability of the writ petition on the ground that the facts stated and the relief claimed are disputed questions of fact, which would require oral evidence to be led by the parties for adjudicating the issue in respect of the date of death of Roopsai and consequent issuance of death certificate by the Tehsildar.
3. After hearing learned counsel for the petitioners for sometime, it would be appropriate for the petitioner to prefer a Civil Suit for seeking a declaration to the effect that the death certificate dated 05.05.2016 is null and void and for other reliefs claimed in the writ petition.
4. Accordingly, the writ petition is disposed of with liberty to the petitioners to move a properly constituted Civil Suit before the jurisdictional Civil Court.
5. The certified copy of the impugned order passed by the Tehsildar filed as Annexure P/1 be returned to learned counsel for the petitioners after retaining a xerox copy of the same.

Sd/-

Judge

(Prashant Kumar Mishra)

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