

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.781 of 2015**

Akash Dubey S/o Late Ashwini Dubey, Aged About 32 Years R/o Sunder Nagar,
Raipur, Tehsil & District Raipur, (Chhattisgarh)

---- **Petitioner****Versus**

Bhavani Shankar Maharaj S/o Hanuman Ji Maharaj, R/o Bandhwapara, Raipur,
Throuth: Sarvrakar Shri Ratan, S/o Shri Kashiram & Ramvishal, S/o Bhaddu
Sonkar, R/o Purani Basti, Raipur, (Chhattisgarh)

---- **Respondent**

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For Respondent	:	Shri Raza Ali, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****23/02/2016**

Heard.

2. Taking into consideration the nature and controversy of dispute between the parties and that the suit has already been filed, this matter is being disposed off finally.
3. Challenge in this petition is to the order passed by the Board of Revenue affirming the order of the Commissioner in the matter of mutation proceedings.
4. Learned counsel for the petitioner submits that the revenue authority did not have authority to declare that the registered sale deed is doubtful. He submits that the power as to whether the vendor had title to sell the property, vests exclusively with the Civil Court. He submits that if at all, there is serious dispute in the matter, all that the revenue authorities can direct is to require the parties to approach the Civil Court and then to proceed further in the matter, depending upon the result of the civil proceedings.

5. Learned counsel for the respondent submits that the Board of Revenue and Commissioner have committed no illegality in holding that the registered sale deed did not pass any title because property in dispute was already sold earlier by registered sale deed in favour of the respondent.

6. Learned counsel for the parties could not dispute that later on, civil suit has been filed and when the matter traveled up to this Court on the question of grant of injunction, an order has been passed by this Court on 27-10-2005 in W.P.No.120 of 2005 for expeditious trial of the suit itself. This Court had also ordered status quo with regard to the suit property be maintained by the parties.

7. In that view of the matter, I am not inclined to keep this matter pending. The issue as to whether the vendor had title to sell the property under the registered sale deed, would be a matter of consideration in the pending civil dispute before the Civil Court. Observation made by the revenue authorities-Tahsildar, Sub Divisional Officer, Commissioner or Board of Revenue in that regard shall have no efficacy under the law. After the decision in the civil suit, either of the parties would be at liberty to move appropriate application for mutation before the Tahsildar.

8. With the aforesaid observation, this petition is finally disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge