

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2249 of 2016

1. Smt. Swarnkanta Sethi W/o Rawel Chand Sethi Aged About 73 Years R/o Balbhadra Ward, Bhatapara, District-Baloda Bazar-Bhatapara, Chhattisgarh. Through Special Power Of Attorney Holder Sushil Kumar Sethi, S/o Rawel Chand Shethi, R/o Balbhadra Ward, Bhatapara, District-Baloda Bazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. Pawan Kumar Sethi @ Pawan Kumar Ajmani S/o Rawel Chand Sethi R/o Balbhadra Ward, Bhatapara, District Baloda Bazar-Bhatapara, Chhattisgarh. Presently R/o Jagmal Chowk, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh)
2. Board Of Revenue Chhattisgarh, Through Its President, Board Of Revenue, Chhattisgarh, Bilaspur, Chhattisgarh.
3. Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh
4. Sub Divisional Officer, (Revenue) District Bilaspur, Chhattisgarh.
5. Tahsildar, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	Shri Ravindra Agrawal, Advocate
For Respondent/State	Shri S.M. Ali, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/09/2016

1. Dispute brought before this Court pertains to mutation of name in respect of the property belonging to late Smt. Prakash Kaur. After the death of late Smt. Prakash Kaur, the respondent No.1 moved an application for mutation supported by an affidavit that he is the only legal representative of late Smt. Prakash Kaur.

2. The Revenue Inspector passed an order of mutation in the name of the respondent No.1 on 6-9-2009, against which an appeal was preferred before the Sub Divisional Officer (Revenue), Bilaspur, which was dismissed on 9-10-2012 on the ground that question of title has arisen between the parties. The said order of SDO was affirmed by the Commissioner, Bilaspur Division, Bilaspur, on 18-11-2015 and thereafter, further revision preferred by the petitioner has been dismissed by the Board of Revenue by the impugned order dated 17-6-2016.
3. In view of the concurrent orders passed by the different Revenue Courts, this Court is not inclined to entertain this petition. The petitioner may move the jurisdictional Civil Court for declaration of her title or for seeking any other relief, which may be admissible under law. For a period of two months from today, *status quo*, in respect of the subject property, shall be maintained by the parties. If the suit is preferred, the trial Court shall pass order on the application for grant of temporary injunction on its own merits without being influenced by the observations made by the Revenue Courts or by this Court in the present order.
4. It is made clear the order of *status quo* shall remain in operation for a period of two months and not thereafter. After this period of two months, the order to be passed by the Civil Court shall hold the field.

Sd/-

Judge

Prashant Kumar Mishra

Gowri