

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.6610 of 2007**

Girdhar Singh, S/o Shri Loop Singh Lodhi, aged about 50 years, R/o Village Uslapur, Tahsil Khamariya, District Durg (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Revenue (Land Revenue), DKS Bhawan, Mantralaya, Raipur (CG).
2. The Collector, District Durg (CG).
3. The Tahsildar, Tahsil Khamariya, District Durg (CG).
4. Smt.Dulari Bai, W/o Shri Tularam R/o Bikhampur, Tahsil Lohara, District Kawardha (CG).

--- Respondents**AND****Writ Petition (C) No.317 of 2008**

Girdhar Singh, S/o Shri Loop Singh Lodhi, aged about 50 years, R/o Village Uslapur, Tahsil Saja, District Durg (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through Secretary, Department of Revenue (Land Revenue), DKS Bhawan, Mantralaya, Raipur.
2. The Collector, District Durg (CG).
3. The Sub Divisional Officer, Saja, District Durg (CG).
4. The Tahsildar, Tahsil Saja, District Durg (CG).
5. Virendra Kumar, S/o Tularam, aged about 45 years, R/o Village Uslapur, Tahsil Saja, District Durg (CG).
6. Smt. Dulari Bai, W/o Tularam, aged about 65 years, R/o Village Uslapur, Tahsil Saja, District Durg.
7. Santosh, S/o Shri Kamta Lodhi, aged about 50 years, R/o

Village Uslapur, Tahsil Saja, District Durg (CG).

--- Respondents

AND

Writ Petition (C) No.7018 of 2007

Girdhar Singh, S/o Shri Loop Singh Lodhi, aged about 50 years, R/o Village Uslapur, Tahsil Khamariya, District Durg (CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue (Land Revenue), DKS Bhawan, Mantralaya, Raipur (CG).
2. The Collector, District Durg (CG).
3. The Sub Divisional Officer, Saja, District Durg (CG).
4. The Tahsildar, Tahsil Khamariya, District Durg (CG).
5. Vijay Kumar, S/o Shri Tularam Lodhi, R/o Village Uslapur, Tahsil Saja, District Durg (CG).

--- Respondents

AND

Writ Petition (C) No.7454 of 2007

Girdhar Singh, S/o Shri Loop Singh Lodhi, aged about 50 years, R/o Village Uslapur, Tahsil Saja, District Durg (CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue (Land Revenue), DKS Bhawan, Mantralaya, Raipur (CG).
2. The Collector, District Durg (CG).
3. The Sub Divisional Officer, Saja, District Durg (CG).
4. The Tahsildar, Tahsil Saja, District Durg (CG).
5. Smt. Dulari Bai, W/o Shri Tularam, R/o Village Bhikhumpur, Tahsil Lohara, District Kawardha (CG).

--- Respondents

AND

Writ Petition (C) No.7455 of 2007

Girdhar Singh, S/o Shri Loop Singh Lodhi, aged about 50 years, R/o Village Uslapur, Tahsil Saja, District Durg (CG).

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Revenue (Land Revenue), DKS Bhawan, Mantralaya, Raipur (CG).
2. The Collector, District Durg (CG).
3. The Sub Divisional Officer, Saja, District Durg (CG).
4. The Tahsildar, Tahsil Saja, District Durg (CG).
5. Pannalal, S/o Tularam Lodhi, R/o Village Bhikhumpur, Tahsil Lohara, District Kawardha (CG).

--- Respondents

For Petitioner : Mr. Chandresh Shrivastava, Advocate
 For State/Respondents : Mr. Arun Sao, Dy.A.G., Mr. Malay Kumar Bhaduri and Mr. Sunil Otewani, Advocates

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

05/07/2017

(1) Learned counsel appearing for the petitioner would submit that the Board of Revenue while setting aside the orders of Tahsildar and Additional Collector, Bemetara has also held that the petitioner's application under Section 110 of the Chhattisgarh Land Revenue Code for mutation of his name was also not maintainable by its order dated 24.07.2007 against which this writ petitions under Article 226/227 of the Constitution of India has been filed by the petitioner.

(2) On the other hand, learned counsel appearing for the State and private respondents would oppose the submissions made by the learned

counsel for the petitioner and support the impugned order.

(3) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(4) It is correct to say that the matter was carried out before the Board of Revenue and Board of Revenue after going through the correctness of the interim order has also held that the proceedings of mutation is not maintainable.

(5) The Tahsildar has not considered the application for mutation on merits and if there is any defect in the said application, it can be rectified by the petitioner and without hearing the petitioner and other side, the Board of Revenue could not have held that the application for mutation is not maintainable.

(6) The aforesaid part of the order of revision holding that the petitioner's application under Section 110 of the Chhattisgarh Land Revenue code not maintainable is hereby set-aside. The matter is remitted back to the Tahsildar to consider and pass afresh order after giving proper opportunity of hearing to the parties preferably within a period of three months from the date of receipt of certified copy of this order.

(6) Accordingly, the writ petitions are allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-