

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 5 of 2014**

Shri Hanuman Mandir (Mahavir Mandir) Public Trust, through Trusty Manager (President) Trusty Thakurnath Yogi, aged about 87 years, son of Late Haldharnath Yogi, resident of Pandeypara, Balod, Tehsil Balod, District Durg, Chhattisgarh

---- Petitioner**Versus**

- 1.** Shankarlal, son of Late Shri Bhawarilal Kabra
- 2.** Nathmal, son of Late Shri Bhawarilal Kabra
- 3.** Puranlal, son of Late Shri Bhawarilal Kabra
- 4.** Narendra, son of Late Shri Bhawarilal Kabra

All resident are Sadar Road, Balod, Tehsil Balod, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Respondents	:	None Present

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

09/08/2017

1. Tahsildar, Balod made an order of mutation in favour of the respondents. That order was set aside by the Sub Divisional Officer, Balod on 28.2.2006 and duly affirmed by the Additional Collector, Durg on 22.5.2007, but the Board of Revenue has set aside the order of the Sub Divisional Officer, Balod and order of the Additional Collector, Durg, feeling aggrieved against that order, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the Board of Revenue is absolutely unjustified in setting aside the

orders of the Sub Divisional Officer, Balod and the Additional Collector, Durg.

3. The Sub Divisional Officer, Balod has clearly recorded a finding that the Tahsildar has not given proper and due opportunity to the petitioner while passing the order of mutation in favour of the respondents, which has been upheld by the Additional Collector, Durg.
4. After hearing learned counsel appearing for the petitioner and taking into consideration the fact that no opportunity of hearing was granted to the petitioner while passing the order of mutation, the impugned order is hereby set aside and that of the orders of the Sub Divisional Officer, Balod and the Additional Collector, Durg are upheld. Tahsildar, Balod is directed to pass an order of mutation afresh after hearing both the parties within a period of six months from the date of receipt/production of copy of this order.
5. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-