

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.621 of 2016**

Smt. Bushra Shareef (wrongly mentioned as Smt. Budhra Shareef in the order impugned) Widow of Late Mohammed Sharif, Aged About 37 Years, Resident of Wakilpara, Marthapara, Dhamtari (Chhattisgarh) Civil & Revenue District Dhamtari, (Chhattisgarh)

---- Petitioner

Versus

1. Noor Begum Widow of Late Mohammed Yakub, aged about 50 years, resident of Opposite Ambedkar Bhawan, Civil Lines, Raipur, (Chhattisgarh)
2. Shahnawaj Ahmed, Son of Shri Wakil Ahmed, Aged About 30 Years Resident of Near Mova Masjid, Raipur, (Chhattisgarh)

---- Respondents

And

WPC No.623 of 2016

Smt. Bushra Shareef Widow of Late Mohammed Sharif, Aged About 37 Years Resident of Wakilpara, Marathapara, Dhamtari (Chhattisgarh) Civil & Revenue District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. Noor Begum Widow of Late Mohammed Yakub, Aged About 50 Years, resident of Opposite Ambedkar Bhawan, Civil Lines, Raipur (Chhattisgarh)
2. Shahnawaj Ahmed, Son of Shri Wakil Ahmed, Aged About 30 Years R/o Near Mova Masjid, Raipur (Chhattisgarh)
3. Shahjadi Begum, daughter of Late Mohammed Yakub, Aged About 52 Years resident of Opposite Ambedkar Bhawan, Civil Lines, Raipur (Chhattisgarh)
4. Mohammed Idrish, son of Late Mohammed Yakub, Aged About 65 Years resident of Mova Basti, Mova, Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr.Sameer Oraon, Advocate
For Respondent No.2	:	Mr.Khitij Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/7/2017

1. Learned counsel for the petitioner would submit that the petitioner filed an application for mutation in revenue records on the basis of inheritance, whereas the respondents filed an application for mutation on the basis of 'Hibanama' executed by Mohammed Sharif.

2. Tahsildar, Raipur rejected both the applications stating that question of title cannot be decided by revenue Court. It will be subject to final outcome of the civil Court, whereas the Board of Revenue has set aside the order of the Tahsildar.
3. It is true that civil suit filed by respondent No.2 against the petitioner is pending consideration before the Civil Judge Class-II and another civil proceeding is also pending before the competent Civil Court.
4. In view of above, it is directed that orders of the Tahsildar and the Board of Revenue shall be subject to ultimate decree which may be passed by the Civil Court or mutual settlement between the parties.
5. Accordingly, the writ petitions finally stand disposed off. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-