

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3262 of 2016**

- Ramratan Yadav S/o Shri Ramlal, Aged About 55 Years (now) R/o Tikrapara, Tahsil And District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

- Smt. Shyama Bai Yadav W/o Shri Baratu Yadav, Aged About 60 Years R/o Sanjay Nagar, Gabhrapara, Raipur, Tahsil And Distt Raipur, (Chhattisgarh)

---- Respondent

For Petitioner : Shri MK Bhaduri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/01/2017**

1. The matter pertains to mutation of respondents name over the property ad-measuring 1600 sq. feet being part of Khasra No.137 situated at Tikrapara, Tahsil and District Raipur.
2. Both the parties claimed to be in possession of half share i.e. 800 sq. feet each.
3. The petitioner is seriously disputing the respondent's right and entitlement over half share in the property. The said issue can be examined and adjudicated by the jurisdictional civil Court and not in mutation proceedings or in writ proceedings under Article 226 of the Constitution of India, therefore, if so advised, the petitioner may prefer a civil suit seeking appropriate prayer before the jurisdictional civil Court within a period of three months from today. Since both the parties are claiming to be in possession

of their respective half share i.e. 800 sq. feet each, let the parties maintain status-quo for a period of three months from today. If the petitioner prefers suit within the above said period and moves application for grant of temporary injunction, the same shall be considered and decided on its own merits without being influenced by order of status-quo granted in this order.

Sd/-

Judge

Prashant Kumar Mishra

Ashu