

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 128 of 2018

1. Changur Prasad, S/o. Shri Ayodhya Prasad, Aged About 62 Years,
 2. Rajeshwar, S/o. Chhangur, Aged About 44 Years,
 3. Ram Kumar, S/o. Chhangur, Aged About 40 Years,
- All R/o. Village Badsara, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh.

---- Petitioners

Versus

1. Bhaiyya Lal, S/o. Ayodhya Prasad
2. Radheshyam, S/o. Ayodhya Prasad

Both R/o. Village Badsara, Tahsil Bhaiyathan, District Surajpur
Chhattisgarh.

---- Respondent

For Petitioners : Mr. Keshav Prasad Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2018

Heard

1. The present petition is against the order dated 03.01.2018 wherein the earlier order, which was under challenge, the mutation proceedings were remitted back to the Court of Naib Tahsildar.
2. The respondents herein claimed that the petitioners got their name mutated without giving any notice to them despite the fact they were the shareholders of the property. Initially the order was passed by the Naib Tahsildar on 06.04.1993 which was subject of challenge before the S.D.O. Surajpur by the respondents. The S.D.O. Surajpur dismissed the appeal which was subject of challenge before the Commissioner, Sarguja. The Commissioner, Sarguja on 23.11.2012 observed that the respondents were not heard while mutation proceedings were drawn and no notice was served to them and admitted the appeal. Thereby, the order of Naib Tahsildar dated 06.04.1993 whereby the lands were directed

to be mutated in favour of the petitioners was set aside as also the order of S.D.O. dated 25.07.2006 was set aside. The order of the Commissioner when was subject of appeal before the Revenue Board Bilaspur, the Revenue Board by an order dated 03.01.2018 affirmed the order of the Commissioner.

3. Perusal of the order of the Revenue Board do not reflect any fact that it exceeded its jurisdiction or failed to exercise its jurisdiction vested in it under the law. The petitioners claimed that they are in possession and it is obvious that if they required to be dispossessed then according to the procedure prescribed under the law has to be followed. In view of this, I am not inclined to interfere with the order passed by the learned Court below.
4. Accordingly, the petition has no merit and is hereby dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge