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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2827 of 2018

- Itwari Satnami S/o Jhadu Satnami, Aged About 83 Years R/o Village Saddu, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Additional Commissioner, Raipur, District Raipur Chhattisgarh.
3. Sub Divisional Officer Raipur, District Raipur Chhattisgarh.,
4. R.P. Real Estate Private Limited, Through Managing Director, Rakesh Kumar Pandey, Son Of Late R.C. Pandey, R/o A-5, Anupam Nagar, Raipur, District Raipur Chhattisgarh
5. Vijay Kumar Nampalliwar S/o Late Shri G.R. Nampalliwar R/o Baijnathpara, Raipur, District Raipur Chhattisgarh

---- Respondent

WPC No. 2823 of 2018

- R. P. Real Estate Private Limited Through Managing Director, Rakesh Kumar Pandey, Son Of Late R.C. Pandey, Aged About 52 Years, R/o A-5, Anupam Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Additional Commissioner Raipur, District Raipur Chhattisgarh.
3. Sub Divisional Officer Raipur, District Raipur Chhattisgarh.
4. Rajkumar S/o Mani Ram R/o Village Saddu, Raipur, District Raipur Chhattisgarh.

5. Vijay Kumar Nampalliwar S/o Late Shri G.R. Nampalliwar R/o Baijnathpara, Raipur, District Raipur Chhattisgarh.

---- Respondent

WPC No. 2824 of 2018

- R. P. Real Estate Private Limited Through Managing Director, Rakesh Kumar Pandey, S/o Late R.C. Pandey, Aged About 52 Years, R/o A-5, Anupam Nagar, Raipur, District- Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. Additional Commissioner Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer, Raipur, District- Raipur, Chhattisgarh.
4. Itwari Satnami S/o Jhadu Satnami Aged About 83 Years R/o Village Saddu, Raipur, District- Raipur, Chhattisgarh.
5. Vijay Kumar Nampalliwar S/o Late Shri G.R. Nampalliwar R/o Baijnathpara, Raipur, District- Raipur, Chhattisgarh

---- Respondent

WPC No. 2828 of 2018

- Rajkumar S/o Mani Ram Aged About 29 Years R/o Village Saddu, Raipur, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. Additional Commissioner Raipur, District- Raipur, Chhattisgarh.
3. Sub Divisional Officer Raipur, District- Raipur, Chhattisgarh.

4. R.P. Real Estate Private Limited Through Managing Director, Rakesh Kumar Pandey, S/o Late R.C. Pandey, R/o A-5, Anupam Nagar, Raipur, District- Raipur, Chhattisgarh.
5. Vijay Kumar Nampalliwar S/o Late Shri G.R. Nampalliwar R/o Baijnathpara, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Itwari Satnami and Rajkumar	Mr. Ravindra Sharma Advocate
For R. P. Real Estate Private Limited	Mr. R. Pradhan, Advocate
For Respondent /State	Mrs. Astha Shukla, Panel Lawyer

Order On Board By

Hon'ble Mr. Justice Prashant Kumar Mishra

9/10/2018

1. Heard.
2. The original holders Rajkumar and Itwari Satnami (petitioners/respondents) executed two separate sale-deeds in favour of petitioner/respondent R. P. Real Estate Private Limited. However, the same land has been sold by these two holders in favour of respondent No.5 -Vijay Kumar Nampalliwar on 14.11.2005. When Vijay Kumar Nampalliwar applied for mutation, he was informed that the name of R. P. Real Estate Private Limited has already been mutated vide mutation orders dated 4.6.2006 and 25.6.2006 respectively, after having purchased the land from the same venders.

3. Respondent No.5-Vijay Kumar Nampalliwar's application for mutation was dismissed by the SDO on 16.8.2013 on the ground of limitation. The order was challenged by Vijay Kumar Nampalliwar before the Additional Commissioner, Raipur Division, who allowed the revision application on 10.9.2015 and directed the SDO(R) to decide his application for mutation as well as challenge to the orders of mutation dated 4.6.2006 and 25.6.2006 respectively in favour of -R. P. Real Estate Private Limited on merits.
4. When the present petitioners moved before the Board of Revenue to challenge the order passed by the Additional Commissioner, the Board of Revenue by the impugned order not only dismissed their revision application and maintained the order passed by the Additional Commissioner, but it has also set-aside the mutation orders dated 4.6.2006 and 25.6.2006 respectively in favour of R. P. Real Estate Private Limited.
5. In my considered opinion, the Board of Revenue having maintained the order of Additional Commissioner, by which, the appeal of Vijay Kumar Nampalliwar was remitted back to be heard on merits, it could not have set-aside the respective orders of mutation in favour of R. P. Real Estate Private Limited, which itself is the subject matter of appeal preferred by Vijay Kumar Nampalliwar before the SDO(R).
6. In view of the above, the writ petitions are disposed of with a direction that the jurisdictional SDO(R) shall consider the appeal preferred by Vijay Kumar Nampalliwar on merits . However, till

his appeal is decided on merits, the state of revenue record as was obtaining immediately before passing of the impugned order by the Board of Revenue, shall be maintained during pendency of the appeal before the SDO(R).

Sd/-

(Prashant Kumar Mishra)

Judge

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