

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 458 of 2019

- Ram Dayal Singh, S/o Late Mathura Singh, Aged About 83 Years, R/o Bathiyatola, C/o Village Chothna, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Collector, Rajnandgaon, Chhattisgarh
2. Tahsildar, Dongargarh, District – Rajnandgaon, Chhattisgarh
3. Sub Divisional Officer (Revenue), Dongargarh, District – Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	Shri B. P. Singh, Advocate
----------------	----------------------------

For Respondent-State	Shri Rajesh Singh, Dy. GA
----------------------	---------------------------

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

18/02/2019

1. Petitioner's uncle Late Cheeni Singh was granted lease of 3 Acres of agricultural land in the capacity of being ex serviceman. After his death on 21.06.1989, petitioner remained in possession of the subject land and moved an application before the Tahsildar, Dongargarh for mutation of his name, which has been dismissed by the said Tahsildar on 31.12.2018 mentioning that there is no provision for recording of name of legal heirs on land, which is leased out to an individual.

2. Petitioner has an alternative remedy of preferring an appeal under Section 44 of the Chhattisgarh Land Revenue Code, 1959. Let the petitioner move an appeal within a period of 30 days from today.
3. Since the petitioner's uncle and now the petitioner have been in possession of the land since the date of lease i.e. 26.04.1976, let the petitioner's possession may not be disturbed during the pendency of appeal before the Appellate Authority, subject however that the appeal shall necessarily be preferred within a period of 30 days from today, failing which this interim protection shall cease to exist after expiry of period of 30 days from today.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge

Nirala