

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1396 of 2019**

- Smt. Pratibha Shukla W/o Shri Rajendra Shankar Shukla Aged About 75 Years R/o A-50, Amrpali Grih Nirman Sahkari Samiti, Pachpedi Naka Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue and disaster management, Mahanadi Bhawan, New Mantralaya, Naya Raipur Chhattisgarh
2. Sub- Divisional Officer (Revenue) Tahsil Office Premises, G E Road, Raipur Chhattisgarh
3. Tahsildar Raipur Tahsil Office Premises, G E Road, Raipur Chhattisgarh
4. Virendra Kumar Shukla S/o Late Ramavtar Shukla Aged About 69 Years R/o Tatibandh, Raipur Chhattisgarh
5. Rajendra Shankar Shukla S/o Late Ramavtar Shukla Aged About 80 Years R/o A-50, Amrpali Grih Nirman Sahkari Samiti, Pachpedi Naka Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Varun Sharma, Advocate

For Respondents/State : Shri Aditya Bhardwaj, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/04/2019**

1. Heard.
2. The present petition is primarily against the mutation proceedings which has been made in favour of respondent No.4. It is alleged that the civil dispute in between the parties is pending and after the judgment of the first appellate

Court the second appeal is pending before the Court. It is stated that the civil Court has to be given preference over the revenue proceeding, however, the mutation is made in favour of respondents No.4 & 5 and they may alienate the property, therefore, the mutation should not have been carried out in their favour.

3. After taking into the facts in its entirety, this petition is against the mutation proceeding and in respect of the said land the civil proceedings in form of Second Appeal No.687/2018 is already pending. The mutation proceeding being the entries in the revenue records, they do not convey title. Entries are only relevant for purpose of paying land revenue and has nothing to do with ownership. Such ratio has been laid down in the case of ***Municipal Corporation, Gwalior V. Puran Singh alias Puran Chand and others {AIR 2014 SC 2665}***. Consequently, the petition against the mutation is not tenable. It is accordingly, dismissed. The petitioner would be at liberty to take the recourse as available to him under the law before the Court, wherein the second appeal is pending.

Sd/-

Goutam Bhaduri
Judge

Ashu