

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2026 of 2019**

- Balram Singh S/o Ram Singh Aged About 52 Years R/o Sondkala, Mitthul, Kota, District Bilaspur Chhattisgarh.

----- Petitioner**Versus**

1. District Collector District Bilaspur Chhattisgarh.
2. The Tehsildar of Kota District Bilaspur Chhattisgarh.
3. Ramesh Thakur, (The then Tehsildar of Kota), Kota, District Bilaspur Chhattisgarh.
4. Rajesh Pandey (The then Patwari of Halka No. 3, Kota) Through The Tehsiladar of Kota, District Bilaspur Chhattisgarh.
5. Rajesh Prasad Tiwari (The then Sub Registrar, Kota) Through Registrar Bilaspur Chhattisgarh.
6. Anjali Netam W/o Late Shri Suresh Basod Aged About 40 Years R/o Village Sasaholi, Tehsil Tilda, District Raipur Chhattisgarh.
7. Namrata Sai D/o Chatur Sai Aged About 40 Years R/o Village Khajur Bahar, Tehsil - Kunkuri District Jashpur, Chhattisgarh.
8. Smt. Santoshi Bai Kanwar Wd/o Shyamsundar Kanwar Aged About 42 Years R/o Village Khajur Bahar, Tehsil - Kunkuri, District Jashpur Chhattisgarh.
9. Premshila Painkara W/o Lalit Painkara Aged About 40 Years

R/o Village Sagardeep Colony, Amrish Vihar Sakri, Tehsil -
Takhatpur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Yogeshwar Sharma, Advocate
For Respondent-State	:-	Shri Rajesh Singh, Dy. GA

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

21/06/2019

1. Heard.
2. Petitioner has prayed for a direction to restore his title to the subject property which has been illegally recorded in the name of Ms. Namrata Sai, Mrs. Santoshi Bai Kanwar and Smt. Premshila Painkara respondents No. 7 to 9 respectively on the basis of sale deed which was never executed by the petitioner.
3. Learned counsel would refer to the order passed by the Chhattisgarh State Schedule Tribe Commission wherein the finding of commission of fraud on the petitioner has been recorded.
4. This Court is afraid, a writ petition would not lie for declaring that the petitioner is the title holder of the land despite existence of a sale deed in favour of private respondents

No.7 to 9. Since admittedly a sale deed is in existence, the same has to be set aside by Jurisdictional Civil Court for which the petitioner is required to prefer a duly constituted suit.

5. In view of the above, the writ petition is disposed of with liberty in petitioner's favour to prefer duly constituted civil suit before Jurisdictional Civil Court.

Sd/-

(Prashant Kumar Mishra)

Judge

Ankit