

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2493 of 2019

Kamal Rai S/o Late Vivekanand Rai Aged About 52 Years R/o
Village Subhasnagar (Bhagwanpur) Police Station Gandhinagar
Tahsil - Ambikapur, District Surguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
Revenue Mahanadi Bhawan, New Raipur District Raipur
Chhattisgarh.
 2. The Commissioner Surguja Division Ambikapur, District Surguja
Chhattisgarh.
 3. Collector Balrampur, District Balrampur- Ramanujganj
Chhattisgarh.
 4. Sub Divisional Officer (Revenue) Ambikapur, District Surguja
Chhattisgarh.
 5. Tahsildar Ambikapur, District Surguja Chhattisgarh.
 6. Superintendent of Land Record (Correction of error in settlement)
Ambikapur, District Surguja Chhattisgarh.
 7. Sujit Kumar Vishwas S/o Late Sachin Kumar Vishwas Aged
About 36 Years
 8. Ajit Kumar Vishwas S/o Late Sachin Vishwas Aged About 32
Years
 9. Karuna Vishwas D/o Late Sachin Vishwas Aged About 30 Years
 10. Sashodhar Mandal S/o Late Jaldhar Mandal Aged About 46
Years
 11. Smt. Asha Rai W/o Late Vivekanand Rai Aged About 65 Years
R/o
 12. Suraj Rai S/o Late Vivekanand Rai Aged About 50 Years
 13. Begu Rai S/o Late Balram Mistri Aged About 48 Years
 14. Prema Rai S/o Late Balram Mistri Aged About 45 Years
 15. Gouri D/o Late Balram Mistri Aged About 42 Years,
- Respondents No.7 to 15 R/o Village Subhasnagar (Bhagwanpur)
Police Station Gandhinagar, Tahsil Ambikapur, District Surguja
Chhattisgarh.

--- Respondents

For petitioner- Shri A.N. Pandey, Advocate.
For State- Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/07/2019

Heard.

1. The order under challenge is dated 24/06/2019 wherein in second appeal the application preferred by the petitioner for stay of the mutation order has been dismissed which was filed under section 52 of the Land Revenue Code.
2. Learned counsel for the petitioner would submit that if the mutation proceeding are not stayed, in such case the respondents may execute the sale deed and create third party interest in respect of the subject property.
3. Order impugned only touches upon the mutation proceeding. The petitioner by the prayer seeks injunction against intended alienation. Then the proper remedy is to file civil suit and seek relief for it. The revenue proceeding are meant for the limited purpose and even it is settled proposition that mutation of the name is made in revenue records it would not confer any title as the title has to be eventually decided by the civil court. Under the circumstances, I do not find any illegality in the order.
4. Accordingly, the petition is disposed off. However, the Commissioner is directed to decide the appeal as expeditiously as possible preferably within a period of 90 days from the date of receipt of this order.

Sd/-

(Goutam Bhaduri)

JUDGE