

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2469 of 2019**

Ku. Shaista @ Rimsa Rahman, D/o. Late S.M. Rahman, Aged About 29 Years, R/o. Near Dau Rice Mill, Nayapara, Jagdalpur, Post Office Jagdalpur, Police Station City Kotwali, Tahsil Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, New Raipur, Mantralaya New Raipur, Civil And Revenue District Raipur Chhattisgarh.
2. The Collector, Bastar, District Bastar, Chhattisgarh.
3. The Sub Divisional Officer (Revenue), Place Jagdalpur, Tahsil Jagdalpur, District Bastar Chhattisgarh.
4. The Tahsildar Jagdalpur, District Bastar, Chhattisgarh.
5. Sadik Rahman, S/o. Late S.N. Rahman, Aged About 52 Years, R/o. Nayapara, Jagdalpur, District Bastar, Chhattisgarh.
6. Shakil Rahman, S/o. Late S.N. Rahman, Aged About 65 Years, R/o. Nayapara, Jagdalpur, District Bastar, Chhattisgarh.
7. Dr. Shahid Rahman, S/o. Late S.N. Rahman, Aged About 61 Years, R/o. Nayapara, Jagdalpur, District Bastar, Chhattisgarh.
8. Smt. Shabnam Zahir, W/o. Dr. S. Zahiruddin, Aged About 58 Years, R/o. Nayapara, Jagdalpur, District Bastar, Chhattisgarh.
9. The Nazul Officer, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Punit Ruparel, Advocate
For State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19.07.2019**

Heard

1. The present petition is filed on the ground that the Nazul Case No.156/A-6/2018-2019 has been filed at the behest of the respondent No.5 under Section 110 of the Chhattisgarh Land Revenue Code 1959.
2. It is contended that the respondent No.5 to 6 claimed to be the legal heirs of Late S.N.Rehman. S.N.Rehman had filed a suit before the Civil Court for

declaration and injunction wherein after his death his legal heirs though were substituted, subsequently they withdrew the petition to bring the fresh suit. It is further submitted that thereafter an application for mutation has been filed before the Nazul Officer, thereby the right of the petitioner would be affected as there is suppression of fact of withdrawal of civil suit. He further submits that the said proceeding are pending before the Nazul Officer Jagdalpur.

3. Perusal of the record shows that the fundamental question in this petition has been made that in Nazul case which is pending, the name of the respondents may not be mutated since earlier they have withdrawn the civil suit which was filed by Late S.N.Rehman through whom they are claiming. This Court cannot pass an order which may to pass in future to stall the proceeding which is pending before the Revenue Officer only on the submission that the Nazul Officer may pass an order in favour of the respondents. The petitioner shall be at liberty to raise all the grounds before them.
4. In view of the above, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge