

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4128 of 2019

1. Sharan Dilip Kumar Desai S/o Shri Dilip Kumar Desai Aged About 59 Years Occ Business R/o 504, Civil Lines, Near Circuit House Raipur, Chhattisgarh.
2. Rahul Kedia S/o Shri Rajendra Kumar Kedia Aged About 33 Years Occupation Business, R/o (Old Address 6/1 A Moira Street Mangal Deep Flat No. 803 Kolkata 700017) Presently Residing At 11 A Ballijgunj Circular Road Aditi, Flat No. 3-C, Kolkata 70017., District : Kolkata, West Bengal

---- Petitioner

Versus

1. Union Of India Through Central Bureau Of Investigation ACB, VIP Road, Near PTS Chowk, Post Mana, Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
3. State Of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.,
4. Director General Of Police, Police Headquarters, City Raipur, District Raipur, Chhattisgarh
5. Collector Raipur, District Raipur, Chhattisgarh.
6. Additional Collector Raipur, District Raipur, Chhattisgarh
7. Sub Divisional Magistrate Raipur, District Raipur, Chhattisgarh.
8. Sub Divisional Officer Raipur, District Raipur, Chhattisgarh
9. Tehsildar Raipur, District Raipur, Chhattisgarh.
10. Naib Tehsildar Raipur, District Raipur, Chhattisgarh.
11. Sharad Shukla S/o Ramesh Shukla Aged About 54 Years R/o Ganj Para Raipur Office Address Near Deshbandhu School Station Road Raipur, Chhattisgarh
12. Randhir Singh Viridi S/o Late Sujan Singh Viridi Aged About 62 Years R/o Devendra Nagar Raipur, District Raipur, Chhattisgarh
13. Kawal Jeet Singh S/o Shri Kuldeep Juneja Aged About 32 Years R/o Jail Road Raipur, Tahsil And District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Sinha, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. A.G.
For Union of India	:	Shri B. Gopa Kumar, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.11.2019

1. During the course of arguments, Counsel for the Petitioners, at this point of time, submits that he would not press any other relief except for relief 10.3.
2. The grievance of the petitioners in the instant case is that the petitioners had purchased a property in Khasra No. 15/1 under PH No. 112 at Village Jora Tehsil District Raipur.
3. According to Counsel for the Petitioners, the said land was originally owned by one Mr. Mahesh Goyal who had purchased the said property in the year 1991. Thereafter, Mr. Mahesh Goyal had sold the property to Naresh Pinjani in the year 2000. Subsequently, the said property was purchased by the petitioners on 08.03.2001. While registering the sale deed, the map of the property which is a portion of land 15/7 was clearly marked and enclosed in the sale deed and the same was also recorded in the records of the Revenue Authority.
4. The grievance of the petitioners now is that in the year 2019, suddenly the property which was earlier marked as Khasra No. 15/2 has been shown to be that portion of land which otherwise is in possession of the petitioners reflecting as 15/1. At the same time, the map has been modified to the extent showing the portion of 15/1 at a different location by changing the boundaries. Thereby the land which was purchased by the petitioners now stand shown as property which stands situated in Khasra No. 15/2 of which thereby

the petitioner may be dispossessed from the said piece of land over which the Petitioner has a clear title, ownership and possession

5. The further grievance of the Petitioners is that he has already moved an application for correction of the Field Map as envisaged under provision of Sub-Section 5 of Section 107 of the Chhattisgarh Land Revenue Code 1959 before the respondent No. 6. However, the application till date has not been considered and decided by the respondent No. 6 and in the process, the respondent No. 11 is trying to dispossess the piece of land owned by the petitioner.
6. According to the Counsel for the Petitioners, his grievance would stand redressed, if the respondent No. 6 takes appropriate steps on the application which the petitioners have moved for correction of the map and also if the respondent-authority or the authorities in the Revenue Department demarcate the property of the petitioners in terms of the original map as it stood at the time the property was purchased by the petitioners.
7. The Petitioners further submits that even when the respondent No.11 had purchased their property in June 2019, the boundaries of the petitioners in Khasra No. 15/1 was correctly reflected which now seems to have been changed by the respondent.
8. Given the said facts & circumstances of the case, without expressing any opinion on the merits of the case, respondent No. 6 is directed to immediate process and consider the application of the petitioners for correction of the field maps based upon the map which has been in existence from the time the petitioners had

purchased the property and even prior to that and also taking into consideration the map as was reflected in the sale deed of the property purchased by the respondent No. 11. In addition, Counsel for the petitioners submits that there is another revision of the petitioner pending before the respondent No. 6 against the order of demarcation passed by respondent No. 9 Tehsildar

9. Let respondent No. 6 decide the application of the petitioners for correction of the field map first and thereafter, consider the revision which the petitioners have filed against the demarcation order passed by the respondent No. 9, Tehsildar.
10. Let this exercise be completed by the respondent No. 6 within a period of 4 months from the date of receipt of copy of this order.
11. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge