

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4153 of 2019

1. Smt. Dulari Pal, W/o Keshoram Pal, Aged About 50 Years, Cast-Gadariya, R/o Bihari Gali, Ward No. 06, Chikhali, Tahsil and District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Revenue And Disaster Management Department, Mahanadi Bhawan, Mantralaya New Raipur, District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Collector, Rajnandgaon, District : Rajnandgaon, Chhattisgarh
3. Nayab Tahsildar, Tahsil-Rajnandgaon, District : Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Hemant Gupta, Advocate
For State	:	Ms. Ishwary Ghrilahare, P. Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.11.2019

1. The grievance of the petitioner in the present Writ Petition is to the order Annexure P-1 dated 31.08.2019 and also to the order passed by the Collector- Rajnandgaon and the sequential order dated 30.09.2019 passed by the Nayab Tahsildar.
2. The facts of the case is that the petitioner purchased a property at village Dhaba, Patwari Halka No. 45/33 in Khasra No. 350/7, measuring area 1750 sq. ft. The said property is purchased from Jayant Singh vide sale-deed dated 04.07.2019 on consideration of

an amount of Rs. 4,10,000/-. After the execution of the sale-deed, the petitioner had applied for mutation of the said property on 22.07.2019, the Tahsildar initially registered the application as revenue case and has sought report from the concerned Patwari. However, finally the Nayab Tahsildar vide his order dated 30.09.2019 refused to mutate the property on the basis of the order of the Collector Annexure P-1 dated 31.08.2019.

3. The contention of the counsel for the petitioner is that Khasra number of the petitioner's property is not reflected in the order of the Collector dated 31.08.2019 and therefore, there cannot be an embargo from the Revenue Authority from mutating the said property which is not reflected in the order of the Collector.
4. The contention of the petitioner is that the effect of Annexure P-1 is only confined to the properties, of which the Khasra number is mentioned in the said order and not on any other property. Therefore, the order of the Nayab Tahsildar dated 30.09.2019 also is not sustainable.
5. The State counsel, however, opposing the petitioner submits that the village Dhaba is one of those villages upon which the order Annexure P-1 of the khasra is applicable and the property of the petitioner seems to be one which falls in Khasra No. 350/1.
6. Given the said facts and circumstances of the case, this Court is of the opinion that ends of justice would meet, if the writ petition itself is disposed-off with a direction to the respondents, particularly the Respondent No. 3 to verify the fact, whether the petitioner's property

of which he is seeking mutation is one which is reflected in the Annexure P-1 dated 31.08.2019 or any part thereof and an appropriate decision be taken on the application that has been filed by the petitioner for mutation, which the Respondent No. 3 had closed on 30.09.2019. There has to be a categorical finding of Nayab Tahsildar that the petitioner's property also falls in any of the properties which is reflected in the order dated 31.08.2019. There cannot be a blanket embargo of any mutation proceedings when the property is not being reflected in Annexure P-1.

7. Accordingly, the matter stands remitted back to the Respondent No. 3 for verifying the fact, whether the property of the petitioner situate in any of the properties reflected in Annexure P-1 dated 31.08.2019 passed by the Collector. The Nayab Tahsildar is further directed to pass an appropriate order at the earliest, preferably within a period of 90 days from the date of receipt of copy of this Order.
8. With the aforesaid observations, the present Writ Petition stands disposed-off.

**Sd/-
(P. Sam Koshy)
Judge**