

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 146 of 2020**

Premalal Dhidhi S/o Late Rajpal Dhidhi, Aged About 68 Years, R/o
Village And Post Barbanda, Tahsil And District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Ishu Kumar Dhidhi S/o Late Premalal Dhidhi, Aged About 35 Years, R/o
Village And Post Barbanda, Tahsil And District Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Collector, Raipur, District Raipur
Chhattisgarh
3. Naib Tahsildar, Dharsiwa, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. D. Kuldeep, Advocate
For State	:	Mr. Somkant Verma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.01.2020**

1. The challenge in the present writ petition is to the Annexure P-1 dated 18.11.2019 passed by the Naib Tahsildar, Dharsiwa, District Raipur.
2. The grievance of the petitioner is in respect of the rejection of his application for issuance of a separate Kisan Pustika after recording the name of his son i.e. respondent no.1 over a portion of land measuring 52 decimal out of the total land of 2.52 acres which stands in the name of the petitioner.
3. According to the petitioner, he had moved a suit for partition before the

Court of 7th Civil Judge, Class-II, Raipur vide Civil Suit No. 336A/2018. However, by virtue of a settlement/compromise entered into between the parties, the suit was disposed of on 30.07.2019 partitioning the land measuring 2.52 acres which stood in the name of the petitioner and in the process, by way of settlement, 0.52 acre land was agreed to be partitioned in the name of respondent no.1 i.e. the son of the present petitioner.

4. Subsequent to the disposal of the case from the Civil Court and on the basis of the said compromise decree, the petitioner moved an application before the respondent no.3 for registering the name of respondent no.1 in the revenue records so far as 0.52 acre of land is concerned and the balance of 2 acres of land should remain registered in the name of the present petitioner. The petitioner had also moved application for issuance of separate Kisan Pustika for himself as well as the respondent no.1 for the aforesaid two portion of lands.
5. It is this application which has now been rejected by the respondent no.3 on the ground that the said land in fact is a water body and therefore it could not be registered in the name of the present petitioner.
6. The contention of the counsel for the petitioner is that there appears to be some dispute in respect of Khasra number of the land belonging to the petitioner which might have led the respondent no.3 to reject the application of the petitioner. He makes a request for permission to the petitioner to move a fresh application to the respondent no.2 who in turn may consider the actual title and ownership of the petitioner and the respondent no.1 over the land and thereafter instruct the

respondent no.3 to take an appropriate decision so far as registering their names in the revenue records as also for issuance of separate Kisan Pustika for the petitioner as well as the respondent no.1 are concerned.

7. To this limited relief which the petitioner has sought for, State counsel does not oppose.
8. Accordingly, the writ petition stands disposed of directing the petitioner to approach the respondent no.2 afresh by moving a fresh application supported with all relevant records and documents to show the actual title, ownership and the identification of property. The respondents 2 & 3 shall take appropriate steps on the application filed by the petitioner for registering their names in the revenue records as also for issuance of separate Kisan Pustika for the petitioner as well as the respondent no.1. Let this exercise be completed within a period of 4 months from the date the petitioner makes a fresh application to the respondent no.2.
9. The writ petition accordingly stands disposed of.

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