

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2971 of 2020**

1. Rishi Kumar Janghel S/o Late Kriparam Janghel Aged About 38 Years, R/o Subhash Nagar, Telibandha Raipur Tahsil And District Raipur Chhattisgarh
2. Shoaib Ahmed Khan S/o Late A. A. Khan Aged About 45 Years R/o Anand Nagar, Main Road, Telibandha Raipur, Tahsil And District Raipur Chhattisgarh,
3. Smt. Salma Khatun W/o Late A. A. Khan Aged About 72 Years R/o Telibandha Raipur, Tahsil And District Raipur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Acting Through Sub Divisional Officer, Raipur Chhattisgarh
2. Municipal Corporation, Raipur, Acting Through its Commissioner, Raipur Chhattisgarh
3. Naib Tahsildar (Shri Krishan Kumar Sahu) Raipur Chhattisgarh

---- Respondents

For petitioners - Shri K.A. Ansari, Sr. Advocate with Shri Aman Ansari, Advocate.

For Respondent/State – Shri Gagan Tiwari, G.A.

For respondent No.2-Shri Abhyuday Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****14/12/2020**

Heard.

1. Instant petition is filed for the following relief:-

“The whole proceeding in the Revenue Case No.427/A-6/2018-19 and the order passed by the S.D.O.(R) in Review Case No.23/A-6/2019-20 on 10/12/2019 deserves to be quashed.”

2. Learned counsel for the petitioners would submit that the petitioners have purchased the land from the recorded owner whose names were recorded on 27/11/2009. It is the case of the Municipal Corporation that they have purchased the land from the predecessor of

the recorded owner in the year 1971, therefore it led to mutation proceeding wherein the sale deed made in favour of the petitioners have been nullified by the revenue authorities which cannot be done in the revenue proceeding. It is further submitted that the petitioners are in possession of the subject land after the date of purchase and dispute arose when the names were to be mutated in the revenue record.

3. Perusal of the documents would show that the Municipal Corporation, Raipur has made a rival claim in respect of the same land that they have purchased the same in the year 1971. Perusal of the order of the revenue authorities do not record a finding that the sale deed is nullified which was made in favour of the petitioners. The entry in the khasra and revenue record do not convey the title, it is only for the purpose of paying the land revenue and has nothing to do with the ownership. This proposition has been laid down in **AIR 2014 SC 2665** in between **Municipal Corporation, Gwalior v. Puran Singh alias Puran Chand and others**. Since disputed question of facts about the title are in question, I do not find any specific finding of the revenue authority whereby the sale deed have been nullified. The petitioners may avail the appropriate remedy available to them under the common civil law. The issue raised before this Court cannot be gone into in exercise of power under Article 226 of the Constitution of India.

4. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE