

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2973 of 2020**

1. Smt. Sarla Gupta W/o Shri Radhekishan Gupta, Aged About 73 Years
2. Abhishek Gupta, S/o Shri Radhekishan Gupta, Aged About 43 Years

Both R/o Pt. Shayama Prasad Mukherjee Ward, Ward No. 02, Nagari, P.S. And
Tahsil Nagari, District Dhamtari Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Urban Administration And Development Department, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh
2. Nagar Panchayat Nagari, Through Chief Municipal Officer (Cmo) Nagari, Dhamtari, District Dhamtari Chhattisgarh
3. Abhijeet Gupta, S/o Shri Radhekishan Gupta, R/o House No. A-4 Shidhi Vinayak Colony Kailaspati Nagar, Rudri Road, Dhamtari, District Dhamtari Chhattisgarh

---- Respondents

For Petitioners : Shri Vivek Kumar Agrawal, Advocate

For Respondents/State : Shri Gagan Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri

Order

04/12/2020

1. Heard.
2. The instant petition has been filed on the ground that the petitioner No.1 though had made an application to the Nagar Panchayat Nagri by Annexure P-1 to record a house in name of Abhishek Gupta & Radhey Kishan Gupta but the same is not been mutated.

3. Prima facie the reading of the documents attached with the petition would show that the house is in name of the petitioner No.1. If it is in the name of petitioner No.1 in such case in order to transfer the same there has to be valid transfer pursuant to Section 17 of the Indian Registration Act,1908. In absence of any registered document if such kind of applications are allowed then it will lead to huge loss to the government exchequer, therefore, the prayer as made cannot be allowed in the writ jurisdiction.
4. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu