

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 39 of 2021

- Kundan Lal, S/o Late Deendayal Sahu, Aged About 46 Years, R/o Palari, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, through Collector District Baloda Bazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Collector, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Naib Tahsildar, Sandi, (Palari), District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Tajuram S/o Dayaram Sahu, R/o Village Gidhpuri, Tahsil Palari, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
5. Lok Nath Sahu, S/o Dayaram Sahu (died) through L.Rs
(i) Gendlal, S/o Late Lok Nath Sahu
(ii) Daya Lal, S/o Late Lok Nath Sahu
(iii) Bhupendra Kumar, S/o Late Lok Nath Sahu
(iv) Motilal, S/o Late Lok Nath Sahu
(v) Dhannu Lal, S/o Late Lok Nath Sahu

All R/o Village Gidhpuri, Tahsil Palari, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

6. Krishna Kumar, S/o Dayaram Sahu, R/o Village Gidhpuri, Tahsil Palari, District - Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner – Shri M.D. Sharma, Advocate.

For State/Respondents 1 to 3 – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-02-2021

1. Heard.
2. The petition has been brought praying for issuance of direction to respondent No.3 to consider on the objection that has been raised by the petitioner in the mutation proceeding which is registered as Case No.25A/6 year 2017-18.
3. It is submitted that the applicants in the mutation proceeding which are respondent No.4 onwards have prayed for mutation with respect to the

agricultural land bearing Khasra No.61/6, 61/7, 61/9, 61/5. The abovementioned land was recorded in the record of rights in the name of this petitioner and others and there also had been a will in their favour executed by original owner Dayaram. A civil suit was filed by the petitioner and others against Respondent Tajuram and others making claim on the suit property on the basis of the will, which has been dismissed. The first appeal against the same has also been dismissed. However, the Second Appeal No.805/2019 is pending before this High Court. Therefore, litigation has not come to an end and the petitioner has entitlement to raise objection in the mutation proceeding. Respondent No.3 has refused to take written objection filed by the petitioner in the proceedings regarding which direction has been sought.

4. Learned State counsel appearing for respondents No.1, 2 and 3 makes formal opposition of the submission made.

5. Considered on the submissions. This petition is disposed off at motion stage. Respondent No.3 is directed to take the objection made by the petitioner in the mutation proceeding mentioned hereinabove and after giving opportunity of hearing to the parties, pass appropriate orders on the same.

6. The petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge