

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 437 of 2019**

- Neelkanth S/o Shri Sukalu Chandrakar Aged About 61 Years R/o Village Farfaud, Police Station Arang, Tahsil Arang, District - Raipur Chhattisgarh

---- Petitioner**Versus**

- Smt. Chandrabhama W/o Late Shri Heeraman Chandrakar R/o Village Khallari, Tahsil Bagbahara, District - Mahasamund Chhattisgarh

---- Respondent

For Petitioner : Shri Barun Chakrabarty, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****12/02/2021**

1. Heard.
2. The present petition is against the order dated 22.11.2018 passed by the Board of Revenue, Bilaspur, whereby the revision preferred by the petitioner was dismissed.
3. The brief facts of this case are that one Late Heeraman in his name at village Khallari, Tehsil Bagbahara three land total admeasuring 1.42 hectares were registered. Heeraman died on 01.05.2000, thereafter, the Gram Panchayat passed a resolution on 24.09.2000 to mutate the name of Neelkanth i.e. the petitioner herein. Against such order the challenge was made before the SDO, the SDO by its order dated 20.07.2019 set aside such mutation. Thereafter,

again an application was filed before the Tehsildar Baghbahara on 31.07.2009 and the Tehsildar on 19.02.2010 directed to register name of the petitioner in exercise of power under Section 109 & 110 of the Chhattisgarh Land Revenue Code, 1959. The said order was subject of challenge before the SDO and before the SDO it was contended that the WILL dated 11.04.1991 is doubtful and the SDO after evaluating all the facts and evidence held in favour of the respondent Smt. Chandrabhama, who is the wife of the deceased. The said order was subject of challenge before the Additional Commissioner, Raipur Division and the Additional Commissioner on 27.10.2016 allowed the revision and the said order was subject of challenge before the Board of Revenue, Bilaspur.

4. The Board of Revenue, Bilaspur after evaluating all the facts came to a conclusion that initially on 24.09.2000 the Tehsildar recorded the name of the petitioner on the ground that after the death of Heeraman, no legal heirs are left behind and that was the reason for recording of the name, whereas the respondent Chandrabhama was alive. Subsequently, it records that the Gram Panchayat has passed a resolution to record the name of the petitioner and thereafter certain corrections were made and initially the name of Chandrabhama was recorded, after the death it was corrected to mutate the name of Neelkanth. It further observed that the substitution of the name of the petitioner on the basis of the resolution of the Gram Panchayat would be wrong. The Board of Revenue, Bilaspur observed that the name of the wife of the deceased cannot be deleted on the basis of the resolution of the Gram Panchayat under Section 110 of the C.G. Land Revenue Code, 1959.

5. After going through the order, it appears that the entire dispute is about the mutation of the name which has been claimed by the petitioner on the basis of a WILL. If the petitioner is agitating his right on the basis of a WILL, then he is to avail the remedy available under the general law the WILL is required to be proved as per Section 68 of the Indian Evidence Act, 1872.
6. Accordingly, in view of the law laid down by the Supreme Court in the case of ***Municipal Corporation, Gwalior Vs. Puran Singh alias Puran Chand and others {AIR 2014 SC 2665}*** that the mutation proceeding being the entries in the revenue records, they do not convey title. Entries are only relevant for purpose of paying land revenue and has nothing to do with ownership. Therefore after reading of the judgment of the Board of Revenue, I do not find any illegality in it so as to interfere with the same.
7. The petition sans merit is liable to be and is hereby dismissed.

SD/-

Goutam Bhaduri
Judge

Ashu